



**BYLAW NO. 03.16**

*BEING A BYLAW OF YELLOWHEAD COUNTY, IN THE PROVINCE OF ALBERTA,  
TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE DEPARTMENT*

**WHEREAS**, the Municipal Government Act being Chapter M-26., R.S.A., 2000, as amended provides that Council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

**WHEREAS**, the Forest and Prairie Protection Act provide certain additional powers which may be enacted by the Council of a Municipality so that it can enforce the provisions of the said Forest and Prairie Protection Act within the boundaries of the Municipality; and

**WHEREAS**, the Council of Yellowhead County wishes to establish fire departments within the County and to provide for the efficient operation of such fire departments;

**NOW THEREFORE**, the Council of Yellowhead County in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A., 2000, c. M-26, with amendments thereto, enacts as follows:

**1. SHORT TITLE**

1.1 This Bylaw is called "Fire Services Bylaw".

**2. DEFINITIONS**

2.1 "Apparatus" shall mean any vehicle, machinery, device, equipment or material for Firefighting, as well as any vehicle used for transporting firefighters or supplies.

2.2 "CAO" shall mean the Chief Administrative Officer for Yellowhead County pursuant to the Municipal Government Act, R.S.A., 2000.

2.3 "Candidate" shall mean anyone that is applying to be a member of the Fire Department.

2.4 "Council" shall mean the Council for Yellowhead County.

2.5 "County" shall mean Yellowhead County.

2.6 "Deputy Fire Chief Operations and Training" means the assistant to the Fire Chief who may act as an alternate to the Fire Chief when necessary and is in charge of Operations and Training for Yellowhead County Fire Department.



- 2.7 “Deputy Fire Chief of Public Safety” means the assistant to the Fire Chief who may act as an alternate to the Fire Chief when necessary and is in charge of Public Safety for Yellowhead County Fire Department.
- 2.8 “Deputy Fire Chief of Support Services” means the assistant to the Fire Chief who may act as an alternate to the Fire Chief when necessary and is in charge of Support Services for Yellowhead County Fire Department.
- 2.9 “Director Of Protective Services” means the employee appointed by the CAO to manage the Protective Services Directorate.
- 2.10 “Divisional Fire Chief” means the member appointed by the Fire Chief to direct fire service activities in Fire stations located throughout the County.
- 2.11 “Equipment” shall mean any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
- 2.12 “Fire Chief” means the employee appointed by the CAO or designate , to be the head of the Fire Department and shall also mean a Fire Guardian duly appointed under the Forest and Prairie Protection Act together with all authority and power given to a Fire Guardian pursuant to that Act.
- 2.13 “Fire Department” shall mean the Yellowhead County Fire Department and shall include all branch’s and divisions needed to provide the various services established and organized pursuant to the provisions of this Bylaw consisting of, inter alia, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Department, including fire stations.
- 2.14 “Fire” shall mean a fire confined to an area within any building, structure, machine, vehicle, train, plane, equipment or land base, which will or is likely to cause the destruction of or damage to such building, structure, machine, vehicle, train or land base.
- 2.15 “Fire Station” shall mean a building, apparatus, and qualified members providing coverage in Yellowhead County through a formal agreement with the County or any fire station operated directly by the County.
- 2.16 “Fire Hydrant” means any device that will provide unimpeded access for the Fire Department to access large water storage locations throughout the County in any season.
- 2.17 “Fire Service’s” means the services/activities performed by the Fire Department in relation to fire suppression, rescue, and prevention and all other management and operational duties of the Fire Department.
- 2.18 “Fire officer” means a member appointed by the Fire Chief, with suitable training and experience to perform the role of Yellowhead County Fire Officer.



- 2.19 "Gender" means any reference to the male gender herein shall also include the female gender, where appropriate.
- 2.20 "Incident" shall mean an occurrence where a fire, rescue, natural disaster or any other situation where there is a danger or a possible danger to life or property or both and to which the Fire Department has responded.
- 2.21 "Member" shall mean:
- i. the Fire Chief and any member of the department in good standing operating within the County;
  - ii. Any person who is required to provide Fire Services pursuant to this Bylaw;
  - iii. Any person who is required to provide Support Services to the Fire Service at incidents.
- 2.22 "Operational member" means a member who is suitably fit and trained to perform incident response work. These members must maintain competency under the County Training policy.
- 2.23 "Peace Officer" means persons appointed by the CAO and approved by the Solicitor General's Peace Officer program guidelines.
- 2.24 "Support Member" means a member who will respond to emergencies in an support role to fire services.

### **3. PURPOSE**

- 3.1 Council does hereby establish the County Fire Department and outlines the duties as follows:
- a) preventing and extinguishing fires;
  - b) investigating the cause of fires;
  - c) preserving life and property and protecting persons and property from injury or destruction by fire;
  - d) preventing prairie or running fires and enforcing the provisions of the Forest and Prairie Protection Act;
  - e) responding to Hazardous Material incidents to mitigate the threat;
  - f) carrying out agreements with other municipalities or persons for the joint use, control and management of firefighters, fire extinguishing apparatus, general equipment, and rescue equipment;
  - g) maintaining and operating apparatus and equipment for extinguishing fires or preserving life and property;



- h) rescue; to include but not limited to, water, trench, high angle;
- i) medical first response services;
- j) other incidents;
- k) disaster planning;
- l) preventative controls;
- m) public education and information;
- n) training or other staff development and advising;
- o) to enforce County fire bylaws, County fire policies, and where applicable Alberta fire legislation.

#### **4. ADMINISTRATION**

- 4.1 The Fire Chief shall be appointed by the CAO or designate, such appointment may be terminated by the Chief Administrative Officer.
- 4.2 CAO or designate may delegate the duty of management of the Fire Department to the Director of Protective Services or designate.
- 4.3 The Director of Protective Services, through the Fire Chief may assign qualified member's as Deputy Fire Chief's.
- 4.4 The Director of Protective Services or designate or the member of the fire department charged with the enforcement of this bylaw, acting in good faith and without malice for the Municipality in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damages that may occur to persons, or property as a result of any act required, or by reason of any act, or omission in the discharge of his duties.
- 4.5 Any suit brought against the Director of Protective Services, or designate, , or a member of the fire department, because of an act or omission performed by him in the enforcement of any provision of this bylaw, shall be defended by the County until final determination of the proceedings.

#### **5. POWERS OF FIRE CHIEF**

- 5.1 The Fire Chief or designate is authorized to perform and carry out such duties and responsibilities as shall be assigned to the Fire Chief from time to time by the CAO or designate, or pursuant to any Act or Bylaw.



- 5.2 The Fire Chief will have the power to appoint all Divisional Fire Chiefs, Captains, Lieutenants, safety officers, and fire guardians and develop lower rank positions as needed.
- 5.3 The Divisional Fire Chiefs shall perform such duties as assigned by the Fire Chief from time to time and represent the County pursuant to any Act or Bylaw.
- 5.4 The Fire Chief, or designate, subject to ratification by the Council, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including:
  - (a) use, care and protection of the Fire Department property;
  - (b) the conduct and discipline of the officer's and members of the Fire Department; and
  - (c) the efficient operations of the Fire Department.
- 5.5 The Fire Chief, or in his absence, the Deputy Fire Chief's, Divisional Fire Chief's, Captain's, Lieutenant's or the most qualified member present, shall have control, direction and management of the Fire Department apparatus, equipment and 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.
- 5.6 The Fire Chief, or any other member in charge at an incident, shall have authority and power to:
  - (a) without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging his duties in accordance with this by-law, the Alberta Safety Code under this bylaw, or the Forest and Prairie Protection Act;
  - (b) without a warrant enter any private dwelling house which is on fire and proceed to extinguish the fire or to prevent the spread thereof;
  - (c) direct the operations of extinguishing or controlling the fire or the operations to preserve life, property, and environment;
  - (d) 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 the building structures or things;
  - (e) 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, and environment;



- (f) 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 and without restricting the generality of the foregoing, may, in the course of extinguishing or controlling a fire, prohibit the approach of any person, animal, vehicle, machine, aircraft or thing as seen at the fire or any area in the vicinity of the fire and also may remove or cause to be removed from the scene of the fire or surrounding area, any person, animal, vehicle, machine or thing not usefully employed in extinguishing or controlling the fire, or preserving life or property in the vicinity thereof;
- (g) require any able bodied adult person, who is not exempt by the regulations of the Forest and Prairie Protection Act, to assist in extinguishing fires and to assist in preventing the spread thereof;
- (h) commandeer and authorize payment for the possession or use of any equipment for the purpose of fighting a fire;
- (i) request peace officers to enforce restrictions on persons entering within the vicinity of any fire.

## **6. DEPARTMENT MEMBERSHIP**

- 6.1 To become a member of the Yellowhead County Fire Department the applicant must complete the required hiring process, and must provide the following information. Drivers license, drivers abstract, medical clearance, criminal records check, and pass all testing requirements before final acceptance. All candidates must have their applications endorsed by both the Divisional Fire Chief and the Fire Chief.
- 6.2 Persons aged 18 or over are eligible for membership in the Fire Department. At age 65 all operational members must submit to a yearly physical and receive satisfactory clearance from a physician. A satisfactory physicians clearance must be provided annually to remain a Member once age 65 is obtained. The physicians clearance relates to the bona-fide occupational requirements of the person's mental and physical ability to safely and competently perform Operational or Support staff Member duties. At any time, for safety and competency reasons, the County reserves the right to send a person for a medical examination, by a physician chosen and paid for by the County, to determine the physical and mental ability of the person to be a Member of the Fire Department.
- 6.3 Members shall abide by the chain of command and all other regulations, policies and Standard Operating Guidelines.
- 6.4 Members who actively engage in emergency tasks will be known as Operational Members and as such will be subject to all departmental guidelines and training requirements.



- 6.5 There may be members who do not engage in active firefighting or have reached age 65, but perform support roles within the department. Such members will be known as Support Members and as such may be exempt from some training requirements. Support Members will be clearly identified on the Department Roster.
- 6.6 Any members who do not meet the Training Policy guidelines must take steps to comply or dismissal from the department may occur.
- 6.7 All Members representing the County must conduct themselves in a professional manner while performing their duties. This includes complying with County bylaws, policies and applicable fire legislation.

## **7. FIRE PROTECTION BOUNDARIES**

- 7.1 Jurisdiction of the Fire Chief, Deputy Fire Chief's, Divisional Chiefs and Members of the fire department shall be limited to the area within the boundaries of the County, unless there is a written agreement with another municipal authority providing authorization for the provision of firefighting services outside the boundaries of the County.
- 7.2 Ad Hoc co-operation may occur for emergent situations and for non-emergent situations such as training and education. In any event, emergency responses should generally occur only in life threatening or major disaster situations.

## **8. OFFENCES**

- 8.1 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.
- 8.2 No person shall intentionally damage or destroy Fire Department apparatus or equipment.
- 8.3 No person at an Incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
- 8.4 No person shall obstruct a member carrying out duties imposed by this bylaw.
- 8.5 No person shall tamper with or obstruct a fire hydrant.
- 8.6 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.



- 8.7 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 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. No person shall permit an outdoor fire or a structure fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to this bylaw.
- 8.8 No person shall, either directly or indirectly, personally or through an agent, servant or employee kindle a fire and let it become a running fire, on any land not his own property or allow a running fire to pass from his own property to the property of another.
- 8.9 No person shall light an outdoor fire, a structure fire or an incinerator fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 8.10 No person shall conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring.
- 8.11 When a County or Provincial fire ban is in effect, no person shall light or have a fire in contravention of such fire ban.
- 8.12 Every person who causes or is responsible for an open air fire shall ensure, as far as is reasonably practicable for him to do so, that any open air fire is controlled at all times and sufficient precautions are taken to keep an open air fire under control at all times.
- 8.13 The owner, lessee, tenant agent or occupant of property within the County shall do everything reasonably practicable to ensure that an Incident or fire not in compliance with this bylaw does not exist or be allowed to continue to exist on that owner's, lessee's, tenant's, agent's or occupant's property.

## **9. RECOVERY OF FIRE SERVICE COSTS**

- 9.1 Where the Fire Department has responded to a request for Fire Services within a Provincial highway right of way, fees for service shall be levied to Alberta Transportation/or registered owner as per the rates established per Schedule "A" of this Bylaw.
- 9.2 Where the Fire Department has responded to a request for Fire Services within a County highway right of way, fees for service shall be levied to the vehicles registered owner/insurer as per the rates established per Schedule "A" of this Bylaw.





- 9.3 Where the Fire Department has responded to a request for Fire Services and has taken any action whatsoever for the purpose of extinguishing a fire in a structure, vehicle fire, piece of equipment fire, land based fire, hazmat call, search and rescue call, special rescue call or incident in 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 the County, including any action taken by the department on a false alarm, the CAO may in respect of any costs and expenses incurred by the department in taking such action, if the CAO is of the opinion that grounds for doing so exist, charge any costs and expenses so incurred to the person(s), or if applicable, to the owner or occupant of the land, in respect of which the action was taken. Fees for Fire Services may be levied pursuant to the rates established per Schedule "A".
- 9.4 In the event that the person(s), or as the case may be, the owner or occupant of any land within the County, shall feel aggrieved by any action taken by the CAO pursuant to Section 9.3, such person(s), owner or occupant shall have a period of thirty (30) days from the date of mailing or notice of the action taken by the CAO to appeal to Council the action taken by the CAO and the decision of Council on any such appeal shall be final and binding upon the person(s), owner or occupancy of the land, and shall not be subject to any further appeal.
- 9.5 In respect of land within the County, in the event that the amount levied by the CAO shall not be paid within sixty (60) days after the mailing of a notice by the CAO pursuant to Section 9.3, or in the event of an appeal, within sixty (60) days of the date of mailing of the decision of Council on the appeal, the amount levied and unpaid shall be charged against the land upon which the action was taken as taxes due and owing in respect of that land.
- 9.6 The rates as set out in Schedule "A" of this bylaw may be amended as required from time to time by a Resolution of Council.

## **10. CONTROL OF FIRE HAZARDS**

- 10.1 If the Fire Chief finds within County boundaries on privately owned land or occupied public land conditions that in his opinion constitute a fire hazard, he 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 he prescribes.
- 10.2 When the County finds that the order it made pursuant to Section 10.1 has not been carried out, it may enter on the land with any equipment and men it considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- 10.3 The Owner or the person in control of the land on which work was performed pursuant to Section 10.2 shall on demand reimburse the County for the cost of the work performed and in default of payment the County has a lien for the amount against the land and improvements on it.



**11. PENALTIES**

11.1 For a first offence, a person who fails to comply with any provision contained in this bylaw is guilty of an offence and is liable upon conviction to a fine of not less than \$1,000 and not more than \$5,000. For a second and subsequent offences, a person who fails to comply with any provision contained in this bylaw is guilty of an offence and is liable upon conviction to a fine of up to \$15,000.

**12. SEVERABILITY**

12.1 Should any section or part of the Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as severable from the rest of this bylaw and this 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 the Bylaw.

**13. REPEAL**

13.1 This bylaw shall repeal Bylaw No. 2.08

13.2 This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, Being Chapter M-26, R.S.A., 2000.

READ a first time this 9 day of February, A.D., 2016.

READ a second time this 9 day of February, A.D., 2016.

READ a third time this 23 day of February, A.D., 2016.

SIGNED this 23 day of February, A.D., 2016.

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Mayor, Gerald Soroka

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Chief Administrative Officer, Jack Ramme



## Schedule "A"

Rates for reimbursement for Fire Services/Apparatus responding to Incidents:

<u>Type of Unit</u>	<u>Comment</u>	<u>Hourly Rate</u>
Ladder and pumper trucks	<ul style="list-style-type: none"><li>* Includes equipment costs, labour, and all materials.</li><li>* These are specialized pieces of equipment Specifically designed and built to fight fires.</li></ul>	\$615.00
Light & Medium rescue Vehicles	<ul style="list-style-type: none"><li>* Used to transport manpower &amp; equipment not covered under the rate for ladder and pumper trucks.</li><li>* Rescue vehicles must meet the equipment requirements listed in Section 4, particularly Table 4.2.2, of NFPA 1901.</li><li>* Light rescue vehicles are permanently rigged and equipped to do basic rescue tasks using hand &amp; basic extrication tools(i.e. pry bars, stabilization equipment &amp; cribbing, hand &amp; power saws, lighting and portable hydraulic rescue tools) and medical aid equipment.</li><li>* Medium rescue vehicles carry more equipment to handle regularly occurring rescue tasks plus specialized rescue equipment for at least one rescue specialty.</li></ul>	\$615.00
Command Vehicles		\$180.00
ATV/UTV		\$100.00
Misc.	<ul style="list-style-type: none"><li>* There may be occasions where specialty equipment may be required to resolve an Incident (i.e. helicopter, water craft etc)</li></ul>	\$@ cost