

VILLAGE of BAWLF

BYLAW NO. 632/18

A BYLAW OF THE VILLAGE OF BAWLF, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A FIRE SERVICES DEPARTMENT WITHIN THE VILLAGE OF BAWLF.

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 2007*, as established by the Fire Technical Council, Safety Codes Council and under the provisions of the *Safety Codes Act*, provide Bawlf 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 Bawlf 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, Bawlf 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 Bawlf Council wishes to establish a fire and rescue service within the municipality to provide for efficient operation of such a service for the Village of Bawlf.

BE IT RESOLVED THAT the Council of the Village of Bawlf 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 Council of the VILLAGE OF BAWLF 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 the Village of Bawlf.
- 2.3 "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.
- 2.4 "Approved Outdoor Burning Appliances", are those outdoor burning appliances used for recreational or cooking purposes. Those appliances manufactured which bear a CSA or ULC approval label.
- 2.6 "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 Village of Bawlf to enforce Bawlf 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.
- 2.7 "Council" shall mean the Council of the Village of Bawlf;
- 2.8 "Councillor" shall mean an elected official of Council;
- 2.9 "County" means Camrose County;
- 2.10 "Committee" or "Committees" shall mean any Standing or Ad Hoc Committee established from time to time pursuant to this bylaw;
- 2.11 "Deputy Fire Chief" means the person appointed by the Bawlf Fire Chief pursuant to Standard Operating Guidelines;

- 2.12 “*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.
- 2.13 “*Equipment*” means any tools, contrivances, devices or materials used by the Fire Department that may be applied at an emergency incident.
- 2.14 “*Fees for Services*” shall be charges or fees for services provided identified throughout this Bylaw and contained in Bylaw 629/18 – Master Rates Bylaw.
- 2.15 “*Fire Ban*” means a declaration by the Council by resolution that a restriction has been placed on the setting of fires, and may be categorized as follows:
- (a) “*High Risk Fire Ban*” as declared by Council, means no open burning, no issuance of burning permits, and a restriction on the setting of outdoor fires, with exceptions limited to recreational, cooking, and heating fires in Approved Outdoor Burning Appliances, upon written approval of the Bawlf Fire Chief.
- (b) “*Total Fire Ban*” as declared by Council, means a restriction on the setting of all out door fires, with exceptions limited to approved liquid or gas-fired approved appliances in the proper setting.
- (c) “*Emergency Fire Ban*” In an emergency situation, the Administrator or designate or the Mayor may issue a fire ban subject to ratification by Council at the next meeting of Council.
- (d) “*Fire Ban Declaration*” on declaring a fire ban, notification will be advertised through local and area media organizations. Fire ban issuance can affect all and/ or portions thereof of the Village of Bawlf.
- 2.16 “*Fire Chief*” means the person appointed by the Chief Administrative Officer from the recommendation of the Bawlf Fire Department, with duties as described in the Standard Operating Guidelines.
- 2.17 “*Fire Department*” means the Fire Services Department of Bawlf established in this Bylaw and includes any person duly appointed to the Department by the Fire Chief and/or authorized individual pursuant to this Bylaw and 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.

- 2.18 “*Fire Services Officer*” means a person appointed by the Fire Chief of a fire department to perform such functions as are set forth in the Standard Operating Guidelines.
- 2.19 “*Firefighter*” means a person appointed to perform the duties of a firefighter as described in the Standard Operating Guidelines
- 2.20 “*Fireworks Display Permit*” is the issuance to an accredited person or contractor for the display of commercial fireworks in accordance with the Alberta Fire Code 2007, the Safety Codes Act, and the Explosives Act (Canada).
- 2.21 “*Low Hazard Fireworks*” shall mean fireworks used for recreation as defined in Class 7.2.1 of the Explosives Act (Canada) as Low Hazard Fireworks for Recreation;
- 2.22 “*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.
- 2.23 “*Open Outdoor Fire*” means any fire not contained within the confines of an approved outdoor or indoor appliance, building or structure and includes fires burning in humus soil, piles of coal, manure, farm produce, wastes, feed and straw, and means that the fire is a controlled fire under the supervision of the land owner or adult designate.
- 2.24 “*Prohibited Debris*” means any material that when burned, will result in the release to the atmosphere of dense smoke, offensive odors or a substance, the release of which is regulated, prohibited or controlled by the Environmental Protection and Enhancement Act, R.S.A. 2000, c.E-12 or regulations thereunder
- 2.25 “*Mayor*” shall mean the Mayor for the Village of Bawlf;
- 2.26 “*Regional Fire Services Committee*” means the Regional Fire Services Collaboration between Camrose County, Village of Bawlf, Village of Edberg, Village of Ferintosh, Village of Hay Lakes, Village of Rosalind, and the Town of Bashaw.
- 2.27 “*Regional Fire Services Coordinator*” means the person appointed by the Regional Fire Services Committee pursuant to the Agreement for Collaboration between Camrose County, Villages of Bawlf, Edberg, Ferintosh, Hay Lakes, Rosalind and the Town of Bashaw;

- 2.28 “*Running at large*” means a fire burning without being under control of any person or that no person is able to prevent the spread of the limits of such a fire.
- 2.29 “*Safety Codes Accreditation*” as approved by the Safety Codes Council for Bawlf to participate in a Joint Quality Management Program Fire Discipline.
- 2.30 “*Safety Codes Officer*” means a person certified by the Safety Codes Council under the authority of the Safety Codes Act.
- 2.31 “*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.
- 2.32 “*Standard Operating Guidelines*” means the guidelines adopted by the Council concerning Fire, Rescue and other, administrative and operational activities of the Fire Services Department of Bawlf.
- 2.33 “*Small Open Fires*” shall mean any outdoor campfire for cooking or warming purposes, burning barrels or receptacles, or wood and briquette fires.

SECTION 3 - OBJECTIVES

- 3.1 The objectives of Bawlf Fire Services Department are:
- 1) to provide fire protection services and/ or other public assistance requests to the Village of Bawlf and through mutual aid and services agreements with the Camrose County, the Villages of Edberg, Ferintosh, Hay Lakes, Rosalind, Town of Bashaw, and the City of Camrose.
 - 2) to provide fire protection services to municipalities to whom the Village of Bawlf 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 Village 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 Bawlf County residents.

SECTION 4 – AMENDMENTS

- 4.1 Upon fourteen days clear notice of motion and a two-thirds majority vote of the Councillors, this bylaw may be amended from time to time.

SECTION 5 – FEES

- 5.1 The Council shall establish fees to be charged by the Village for services provided and shall be entitled to levy fees differently to separate classes of persons, corporations or entities receiving services as specified in Bylaw 629/18 – Master Rates Bylaw.
- 5.2 The Council may amend any policy establishing fees at any time.

SECTION 6- FIRE SERVICES

6.1.1. The Village of Bawlf 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 2007 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 2007 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 7 - FIRE PREVENTION/INSPECTION

- 7.1 The 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 2007 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 2007 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.
- 7.2 The Regional Fire Services Coordinator, subject to the direction of the Regional Fire Services Committee, and each partner municipality may enter into agreements with other municipalities or accredited agencies to provide fire inspection and investigation services.

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 11.1 has information that indicates a fire is or may be of incendiary in origin or has resulted in loss of life, the RCMP, Regional Fire Services Coordinator and Fire Commissioners Office shall be advised of the incident immediately.
- 8.3 The Regional Fire Services Coordinator, subject to the direction of the Regional Fire Committee, may enter into agreements and/or requests with other municipalities or private services to provide temporary assistance providing fire and rescue services as well as fire investigation and inspection services.

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 the Village of Bawlf 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, 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 10 must be a Certified Safety Codes Officer. A completed investigation report shall be forwarded to the Regional Fire Chief with an Incident Report and all relevant information relating to the incident or as requested by the Regional Fire Services Coordinator. A Provincial Fire Report shall be submitted to the Fire Commissioners Office within 30 (thirty) days of incident occurrence as required by provincial law.
- 9.4 Fees for services rendered shall be approved for re-imburement or payment by the Village of Bawlf Fire Chief. Costs expended for investigation services will be recovered as per Bylaw 629/18 – Master Rates Bylaw.
- 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 Village of Bawlf Fire Chief and the proper authorities.

SECTION 10 - BURNING REGULATIONS

- 10.1 All recreational fires set for the purposes of cooking, warmth or recreation in an Approved Outdoor Burning Appliance or open pit must be supervised by an adult;
- 10.2 All recreational fire pits should meet the requirements set out in Schedule "B" which is attached to and forming part of this bylaw.
- 10.3 All new recreational fire pits must be registered with the Village of Bawlf Main Office, inspected by the Bawlf Fire Chief and a burn permit will be issued at that time.
- 10.4 All recreational fires are set only for the purposes of cooking, warmth or recreation and the following shall not be burned; brush, leaves, grass clippings, "green" wood, refuse, anything that can cause excessive smoke or that contains any type of preservative; any prohibited debris.
- 10.5 Failure to comply with items 10.1 to 10.4 will lead to charges as set out in Bylaw 629/18 – Master Rates Bylaw.

10.6 Fires may be set by the Fire Department for the purpose of training firefighters.

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 Village 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 fees to be charged for fire, rescue, dangerous goods, false alarm responses, fireworks permits, fire inspections, fire investigations, occupant load determination, and other services not identified that may be performed by the Bawlf Fire Department and/ or delegate shall be described in Bylaw 629/18 – Master Rates 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 Village of Bawlf with regard to the emergency response and or other services provided are specified in Bylaw 629/18 – Master Rates Bylaw.
 - i) the Village may take such actions to recover costs incurred providing services described in Bylaw 629/18 – Master Rates Bylaw.
 - ii) Should circumstances arise that require no fire protection equipment, the Village of Bawlf reserves the right to charge the owner or occupant the actual labor charges incurred by the Fire Department.
 - iii) in all situations of emergency response service or other service provided by other Camrose County Fire Department(s) and/ or all other billable services provided by the other Camrose County Fire Department(s) or mutual aid fire departments from surrounding jurisdictions according to the fee for service policy, outstanding account(s) will be recovered
- 11.4 In respect of the service described in this bylaw and the Fees for service contained in Bylaw 629/18 – Master Rates Bylaw;
 - i) The Village may recover such cost of fee as a debt due and owing the Village,
or

- ii) In the case of action taken by the Village in respect of land within the Village where
- iii) the cost or fee is not paid upon demand by the Village, then in default of payment such cost of fee may be charged against the land and/ or property as taxes due and owing in respect of that land and/ or property.

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 – LOW HAZARD AND HIGH HAZARD FIRE WORKS

- 13.1 “*Low Hazard Fireworks*” are strictly prohibited within the jurisdictional boundaries of the Village of Bawlf;
- 13.2 It is strictly prohibited to obtain, purchase, handle, setoff, discharge or otherwise any low-hazard fireworks within the jurisdictional boundaries of the Village of Bawlf.
- 13.3 No person other than a Fireworks Display Supervisor may obtain, purchase, handle, setoff, discharge or otherwise any fireworks within the jurisdictional boundaries of the Village of Bawlf.
- 13.4 No person other than an individual who possesses a current Pyro-Technician card issued pursuant to the Explosives Act of Canada, shall set up, setoff, operate, handle or discharge a pyrotechnic display of any type within the jurisdictional boundaries of the Village of Bawlf.
- 13.5 A certified Pyro-Technician or Display Supervisor holding valid authorization accreditation in accordance with the Explosive Act of Canada may submit a written request for a fireworks permit for the discharge of fireworks at a show, display, event or public celebration to the Village of Bawlf.
- 13.6 Written application(s) are required for show, display, event or public celebration fireworks permits.
- 13.7 Written fireworks permit(s) applications shall clearly identify compliance measures with the Explosives Act of Canada and the Alberta Fire Code and enabling statutes, regulations or orders.

- 13.8 Written fireworks permit application shall cover all information required by the Explosives Act of Canada and the Alberta Fire Code. Information required but not limited in scope;
- i) Date, time, location of the proposed event.
 - ii) Name(s), addresses and certification numbers of all Pyro-Technician(s) or Display Supervisor(s) and assisting personnel participating in the display.
 - iv) Name of sponsoring individual, agency or organization complete with contact representative(s).
 - v) A detailed list containing the fireworks, pyro-technic devices, or charges that will be discharged, setoff, detonated or energized.
 - vi) A site specific emergency plan for the display.
 - vii) Verified liability insurance acceptable to the Village of Bawlf.
 - viii) The Village of Bawlf reserves the right to require additional conditions or restrictions on fireworks permit applications.
 - ix) Bawlf reserves the right to deny fireworks permit applications based on incomplete application, non-payment of permit application fee, failure to comply with the Explosives Act of Canada, the Alberta Fire Code or the Village of Bawlf conditions or restrictions.
- 13.9 The Bawlf Fire Chief or Chief Administrative Officer will review each permit based on the specified criteria contained in the Explosive Act of Canada, the Alberta Fire Code, and the Village of Bawlf additional conditions or restrictions.
- 13.10 Bawlf establishes a fee for fireworks permit applications contained in Bylaw 629/18 – Master Rates Bylaw.

SECTION 14 - OFFENCES

- 14.1 Any person who ignites, fuels, supervises, maintains or permits an outdoor open fire to burn at large within the Village of Bawlf without a valid Fire Permit as required by the *Forest and Prairie Protection Act* is guilty of an offence, and
- 14.2 Any person who fails to have sufficient resources to maintain control of his/her outdoor fire is guilty of an offence, and
- 14.3 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
- 14.4 Any person who ignites and burns fuels that contravene the *Alberta Environmental Protection Act*, is guilty of an offence, and

- 14.5 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
- 14.6 Any person who ignites a wood burning appliance or other materials for burning outdoors during a Total Fire Ban is guilty of an offence.
- 14.7 Persons who commit any of the following offences are subject to Section 19 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 15 - PENALTIES

- 15.1 Any person who is guilty of an offence under Section 14, 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 16 - SEVERABILITY

16.1 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 17 – MISCELLANEOUS

17.1 Bylaw No. 605/15 is hereby repealed.

This bylaw shall take effect on the day of the final passing thereof.

Read a first time this 21st day of February, 2018.

Read a second time this 21st day of March, 2018.

Read a third time and finally passed this 21st day of March, 2018.

Mayor

CAO