

**VILLAGE OF HEISLER**

**Bylaw 473-12**

**A BY-LAW OF VILLAGE OF HEISLER IN THE PROVINCE OF ALBERTA BEING ENACTED FOR THE ESTABLISHMENT AND OPERATION OF A FIRE RESCUE DEPARTMENT AND FOR THE PROTECTION OF PEOPLE AND PROPERTY.**

**WHEREAS**, the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, provides that a Council of a Municipality may pass Bylaws for the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS**, the *Safety Codes Act*, R.S.A. 2000, c. S-1, enables an accredited municipality to make Bylaws respecting fees for services provided pursuant to the Act and carrying out its powers and duties as an accredited municipality;

**AND WHEREAS**, the Village of Heisler is an accredited municipality under the Safety Codes Act in the Fire Discipline under Fire Accreditation No. J000113

**NOW THEREFORE**, under the authority of the Municipal Government Act, the Council of the Village of Heisler duly assembled **ENACTS AS FOLLOWS:**

**SECTION 1: NAME**

**1.1** This Bylaw may be cited as the "**Village of Heisler Fire Bylaw**".

**SECTION 2: DEFINITIONS**

**2.1** In this Bylaw:

- a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications noted under Section 10.
- b) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport fire fighters or supplies;
- c) "Authority having jurisdiction" means:
  - I. The Fire Chief or Deputy Fire Chief of the Fire Department.

- II. Any persons designated by the Village of Heisler as a Safety Codes Officer in the Fire Discipline and in accordance with the Safety Codes Act, R.S.A. 2000, c. S-1, as amended.
- d) "Chief Administrative Officer" means that person appointed to the position and title by the Municipal Council of the Village of Heisler and includes any person appointed by the Chief Administrative Officer to act as his appointee;
  - e) "Council" means the Council of the Village of Heisler.
  - f) "Dangerous Goods" means any material or substance that may constitute an immediate or long-term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use. It shall include those products, substances and organisms described in the Dangerous Goods Transportation and Handling Act, R.S.A. 2000, c. D-4, as amended, and the regulations promulgated there under.
  - g) "Designate" means any person designated by the Fire Chief to act in the capacity of Fire Chief;
  - h) "Enforcement Officer" means any member of the Royal Canadian Mounted Police who is a peace officer, or a Bylaw Enforcement/Peace Officer of the Municipality;
  - i) "Equipment" means any tools, devices, or materials used by the Fire Department to combat an Incident or other emergency;
  - j) "Fire Chief" means the person appointed by Council as head of the Fire Department;
  - k) "Fire Department" means the department established by the Municipality by this Bylaw and includes any Member;
  - l) "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;
  - m) "Fire Protection" means all aspects of fire safety including, but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising;
  - n) "Incident" means a fire, a situation where an explosion is imminent, and any other situation where there is danger or a possible danger to life or property;

- o) "Member" means any person who is appointed to be a volunteer member of the Fire Department by the Fire Chief or Designate;
- p) "Member in Charge" means, in the absence of the Fire Chief, the Officer or Member of the Department in command of the Fire or Incident;
- q) "Municipality" means the municipal corporation of the Village of Heisler, in the Province of Alberta, and where the context requires, means all lands situated within the corporate boundaries of the Village of Heisler;
- r) "Officer" means a Member appointed by the Fire Chief to a supervisory position within the Fire Department;
- s) "Property" means any real or personal property including, but not limited to, land and structures;

### **SECTION 3: JURISDICTION**

- 3.1** The limits of the jurisdiction of the Fire Protection provided will extend to the area and boundaries of the Village of Heisler and no part of the fire apparatus or service shall be used beyond the limits of the Village of Heisler without the express authority of a written contract or mutual aid agreement providing for the supply of fire fighting services or other Incident response outside the Village of Heisler boundaries.

### **SECTION 4: FIRE DEPARTMENT**

- 4.1** Council hereby establishes the Fire Department for the purpose of:
- i. preventing and extinguishing Fires;
  - ii. investigating the causes of Fires;
  - iii. preserving life and Property and protecting persons and Property from injury or destruction by Fire;
  - iv. providing rescue services;
  - v. preventing, combating and controlling Incidents;
  - vi. Carrying out Fire inspections and prevention patrols.

## **SECTION 5: FIRE CHIEF**

- 5.1** Council shall appoint the Fire Chief upon recommendation by the Chief Administrative Officer with regular reporting duties.
- 5.2** The Fire Chief may appoint, as many Officers as he or she deems required for the operation of the Department. The Fire Chief shall supervise these other Officers.
- 5.3** The Fire Chief may appoint additional Members to the Fire Department as he or she deems required for the proper and efficient operation of the Department. These Members shall be supervised by the Fire Chief and the other Officers.
- 5.4** The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction of the Chief Administrative Officer, and in particular, shall carry out all Fire Protection activities and such other activities as directed in the approved annual budget including, but not limited to: rescue, emergency medical services, pre-fire planning, disaster services, preventative patrols and fire inspections.
- 5.5** The Fire Chief may establish rules, regulations, policies and committees subject to the ratification of the Chief Administrative Officer, for the proper organization and administration of the Fire Department including: the use, care and protection of Fire Department property, conduct and discipline of Officers and Members of the Department, efficient operations of the Department and training of Officers and Members of the Department.
- 5.6** The Fire Chief or Member in Charge shall have control, direction and management of any Fire Department Apparatus, Equipment or human resources required and 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.
- 5.7** The Fire Chief that is at an Incident may, at his or her discretion:
  - I. establish boundaries or limits and prevent persons from entering the area within the prescribed boundaries;
  - II. request peace officers to enforce restrictions on persons entering within the boundaries or limits described;
  - III. cause a building, structure or thing to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures or things, and
  - IV. Cause the Fire Department to enter on any land or premises, including adjacent land or premises to combat, control or deal with the Incident in whatever manner deemed necessary.

## **SECTION 6: POWERS OF FIRE MEMBERS**

- 6.1** Each person duly appointed by the Fire Chief is a Member of the Heisler Fire Department by virtue of his or her appointment.
- 6.2** Each Member shall have the authority and power to:
- I. extinguish or control any Fire;
  - II. perform the operations necessary to preserve life and Property;
  - III. regulate the conduct of the public in and around the Incident
- 6.3** The Member in Charge, or a Member directed by the Member in Charge, shall have the authority to:
- I. require any able-bodied adult person to assist in extinguishing fires and to assist in the prevention and spread thereof;
  - II. authorize payment for the possession or use of any equipment for the purpose of fighting a fire;
  - III. enter a closed area without a permit or written permission for purposes of controlling or mitigating a Fire or Incident;
  - IV. obtain from any person found leaving, entering, or situated on public land:
    - i. that person's name, address and an account of activities;
    - ii. the activities the person proposes to carry out; and
    - iii. The route the person intends to travel.
  - V. without warrant, enter on to any land or premises which is on Fire and proceed to extinguish the Fire, rescue an individual whose life is in imminent danger or prevent the spread of fire thereof;

## **SECTION 7: CONTROL OF FIRE HAZARDS**

- 7.1** If, in the opinion of the Fire Chief, there exists a fire hazard on land within the Municipality, whether public or private, the Fire Chief may order the owner or the person in control of the said land to reduce or remove the hazard within the time and in the manner prescribed by the Fire Chief.

7.2 In the event of non-compliance with an order made pursuant to Section 7.1, the Fire Chief may enter onto the land with any equipment and human resources necessary to eliminate or reduce the fire hazard.

**SECTION 8: REQUIREMENT TO REPORT**

8.1 The owner of any Property damaged by Fire shall, either personally or by agent, immediately report the particulars of the Fire to the Fire Department in a manner set out and in accordance with the Safety Codes Act R.S.A. 2000, c. S-1, as amended.

8.2 The owner of any Property upon with Dangerous Goods have been spilled or released shall, either personally or by agent, immediately report particulars of such spill or release to the Fire Department.

**SECTION 9: DISCHARGE OF DUTIES**

9.1 Any Member charged with the enforcement of this Bylaw, acting in good faith, and without malice for the Village of Heisler in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act or omission of the Member in the discharge of those duties.

**SECTION 10: FIRE PITS, OUTDOOR FIREPLACES AND STATIONARY BARBECUES**

10.1 Fire permits are not required for Fires that are entirely contained in fire pits, outdoor fireplaces, and stationary barbecues that:

- I. are not less than four meters from all buildings, property lines, and combustible materials and are not located over any underground utilities or under any above ground wires;
- II. have a surface or cooking area of not more than 3,800 square centimeters;
- III. have enclosed sides no greater than 46 centimeters above ground level;
- IV. are constructed of bricks, concrete blocks, heavy gauge metal, or other suitable noncombustible components as approved by the Village of Heisler;
- V. have a spark arrestor mesh screen of 1.30 centimeters expanding metal (or equivalent);

- VI. are used to burn only clean fuel (clean dry wood)
- VII. are not to used to burn refuse or waste matter; and
- VIII. Do not emit smoke or sparks onto neighboring Property, or otherwise create a nuisance or hazard to neighboring Property.

**10.2** Fire permits are not required for portable barbecues which burn liquefied petroleum gas (LPG), natural gas, compressed briquettes, or charcoal when used for the purpose of cooking or obtaining warmth, provided the appliances for cooking or obtaining warmth are used on the private property or in a public area as approved by the Authority having Jurisdiction.

## **SECTION 11: RECOVERY OF COSTS**

**11.1** Where the Fire Department has:

- i. taken any action in response to a Fire, Incident or false alarm with the Municipality; and
- ii. determined that such Fire or Incident is in contravention of the Bylaw,

The Fire Chief will, in respect of any costs incurred in taking such action, charge any costs so incurred to the person who caused the Fire, Incident or false alarm, or to the owner or occupant of the land in respect of which the action was taken.

**11.2** The costs and fees that may be charged by the Fire Department for services rendered pursuant to this Bylaw shall be set out in Schedule A to this Bylaw.

**11.3** Notwithstanding Section 11.1, an owner or occupant of land shall be charged for costs incurred due to a false alarm if such owner or occupant is responsible for such false alarm.

**11.4** In respect of the costs or fees as described in Section 11.1 and 11.2;

- i. the Municipality may recover such costs or fees as a debt due and owing to the Municipality; and
- ii. where the cost or fee is not paid upon demand by the Village, then in default of payment, the Municipality shall add the cost of work performed to the tax roll of the said land, and cause a corresponding lien to be registered against the land at the Land Titles Office.

## **SECTION 12: PROHIBITIONS, VIOLATIONS AND PENALTIES**

- 12.1** No person shall impede, obstruct, abuse or in any hinder a Fire Chief, Incident Commander, or any Officer or Member at any Incident.
- 12.2** No person shall place or leave in place any vehicles, article, thing or matter in such a manner as to interfere with free access or approach to any fire hydrant or service connection.
- 12.3** No person shall move any fire hose, or drive a vehicle over any fire hose at any fire without permission of the Fire Chief.
- 12.4** No person other than an employee of the Village of Heisler Public Works Department or a Member of the Department shall use any fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from the Village Foreman.
- 12.5** No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, or bodies of water designated for firefighting purposes.
- 12.6** Any person who in any way obstructs, prevents, or refuses to admit a Safety Codes Officer, Fire Inspector or Investigator in, to or upon any land, premises, yards or buildings for the purpose of investigating the same, or who incites or abets such action shall be considered in breach of this Bylaw. The Safety Codes Officer(s) for the Village of Heisler shall have all powers as provided for in the Safety Codes Act with reference to the Fire Discipline.
- 12.7** No person shall willfully or maliciously destroy or injure any property at a fire or any Apparatus or Equipment belonging to the Department.
- 12.8** No person shall falsely represent himself or herself as an employee, or Member of, or connected with the Department.
- 12.9** No person shall wear, use or have in his possession or under his control any official badge, identification or uniform of the Department except with the express written consent of the Fire Chief.
- 12.10** No person shall falsely state that he has the sanction of the Department in soliciting any person, agency, society or company on any matter.
- 12.11** No person shall light or discharge fireworks within the municipal boundaries of the authority having jurisdiction unless they are a licensed pyrotechnician and have the written approval of the Village of Heisler.

**12.12** Any person who refuses to provide or furnish any information required under this Bylaw, when requested shall be in breach of this Bylaw.

**12.13** Every person who violates any of the provisions of this Bylaw, 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 refrains from doing anything required to be done by any of the provisions of this Bylaw, shall be deemed guilty of an infraction of this Bylaw, and upon a summary conviction, subject to a minimum fine of One Hundred Dollars (\$100.00) and a maximum fine of Two Thousand Five Hundred Dollars (\$2,500.00).

**SEVERABILITY** – Should any provisions of this Bylaw be declared invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

**SECTION 13: DATE OF COMMENCEMENT / REPEAL OF PRIOR BYLAWS**

**13.1** This Bylaw shall come in force and effect on the date of the third and final reading and signing thereof.

**13.2** Bylaw 456-11, Fire Bylaw is hereby repealed.

READ a first time this 17<sup>th</sup> day of October, 2012

READ a second time this 17<sup>th</sup> day of October, 2012

READ a third time and passed unanimously this 17<sup>th</sup> day of October, 2012

Village of Heisler

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Sean Maciborski - Mayor

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Amanda Howell – Interim Chief Administrative Officer

SCHEDULE "A"

<p>Fire Department Schedule of Fees charged to the County of Flagstaff and Municipal Residents</p>
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<b>MANPOWER</b>	<b>FEE PER HOUR</b>
Volunteer outside Municipal Boundaries	\$20.00 per fire fighter per hour
Fires requiring Volunteers inside Municipal Boundaries	\$200.00 per hour per fire truck for Municipal Residents, no charge to Flagstaff County
False Alarm	\$100.00 for Municipal Residents
<b>SUPPLIES</b>	<b>FEES</b>
Supplies	All supplies used in fighting a fire shall be charge to the County, except fires within Heisler's Municipal Boundaries