

**BYLAW NO. 12-12**

**LEDUC COUNTY**

**A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A FIRE SERVICES DEPARTMENT AND RESCIND BYLAW NOS. 22-06, 3-02 AND 6-96.**

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**WHEREAS**

the Municipal Government Act, R.S.A 2000, Chapter M-26, as amended, 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;

the Council of Leduc County recognizes that:

- a) the Forest and Prairie Protection Act, R.S.A 2000, Chapter F-19, as amended, requires the Council of a Municipal District to fight and control all fires within the boundaries of the Municipal District, other than areas within a forest protection area; and
- b) It is not possible to provide the same levels of emergency services to all areas and persons within the Municipality given limited resources, competing demands for resources, and the geographic size of the Municipality;

the Council of Leduc County wishes to continue the delivery of emergency services throughout the Municipality and recognizes the limitations and obligations expressed herein.

**NOW THEREFORE**

the Council of Leduc County, in 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".

**SECTION 2 - DEFINITIONS**

2.1 In this Bylaw:

- [a] "Ambulance Attendant" means a person who is employed by an emergency medical service duly authorized to operate within the County.
- [b] "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.
- [c] "Council" means the Council of Leduc County.
- [d] "County" means Leduc County.
- [e] "Department" means the Fire Services Department established in this bylaw and includes any person duly appointed to the Department.
- [f] "Equipment" means any tools, contrivances, devices or materials used by the Fire Services Department to combat an incident.
- [g] "Fire Chief" means the person appointed as head of the Fire Services Department.

## BYLAW NO. 12-12

- 2 -

- [h] "Incident" means a fire, a situation where a fire or explosion is imminent or any other situation presenting a fire or possible danger to life or property and to which the Fire Services Department has responded.
- [i] "Member" means any person that is a duly appointed member of the Fire Services Department.
- [j] "Peace Officer" means a member of a police force or a person duly authorized to provide law enforcement service within the County.

### SECTION 3 - FIRE SERVICES

3.1 The Council does hereby establish the Fire Services Department, for the purpose of:

- [a] extinguishing fires,
- [b] investigating the cause of fires in accordance with the Quality Management Plan approved by the Safety Codes Council,
- [c] preserving life and property and protecting persons and property from injury or destruction by fire,
- [d] providing rescue services, including emergency medical care to a first responder and automatic external defibrillator level.
- [e] providing response to incidents involving dangerous goods to a first responder level,
- [f] preventing and extinguishing prairie or running fires and enforcing the provisions of the Forest and Prairie Protection Act,
- [g] enforcing the provisions of the Safety Codes Act and its regulations,
- [h] carrying out preventable patrols, prefire-planning and fire inspections in accordance with the Quality Management Plan approved by the Safety Codes Council,
- [i] entering into agreements with other municipalities, agencies or persons for the joint use, control and management of apparatus and emergency equipment,
- [j] purchasing, operating and maintaining apparatus and equipment necessary for preservation of lives and property.

### SECTION 4 - FIRE CHIEF

- 4.1 The Fire Chief shall be appointed by Council and be responsible to the County Manager
- 4.2 The Fire Chief may appoint other officers and members to the Department.
- 4.3 The Fire Chief may appoint other officers of the Department to act as Fire Chief on his behalf.
- 4.4 The Fire Chief has complete responsibility and authority over the Department, subject to the direction of Council, and shall, upon approval of Council, prescribe rules, regulations and policies for the ongoing administration and organization of the Department, including but not limited to:
  - [a] use, care and protection of Department property,

## BYLAW NO. 12-12

- 3 -

- [b] recruitment, appointment, conduct, discipline, duties and responsibilities of officers and members of the Department, and
  - [c] efficient operations of the Department.
- 4.5 Regulations, rules or policies made pursuant to Section 4.4 of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 4.6 The Fire Chief, or in his absence, the senior member present, shall have control, direction and management of any Department apparatus, equipment or manpower, assigned to an incident and, where a member is in charge, he may continue to act until relieved by an officer authorized to do so.
- 4.7 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.
- 4.8 The Fire Chief, or the member in charge at an incident may request peace officers to enforce restrictions on persons entering within the boundaries of limits outlined in Section 4.7.
- 4.9 The Fire Chief, or the member in charge, at an incident 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.
- 4.10 The Fire Chief, or the member in charge, at an incident, is empowered to cause the Department to enter on any land or premises, including adjacent land or premises, to combat, control or deal with an incident in whatever manner he deems necessary.
- 4.11 The Fire Chief may obtain assistance from other officials of the County, as he deems necessary, in order to discharge his duties and responsibilities under this Bylaw.

### SECTION 5 - RESCUE AND EXTRICATION SERVICES

- 5.1 If, in the opinion of a peace officer or ambulance attendant, an incident occurs within the County which requires specialized rescue or extrication equipment, the peace officer or ambulance attendant is authorized to summon the appropriate emergency agency which provides such services and is equipped to deal with the incident.
- 5.2 For authorized emergency calls as described in Section 5.1, the Department will consider an invoice from the responding emergency agency to cover costs in accordance with ByLaw 44/99 (Establishment and Revision of Fees and Charges).
- 5.3 For approved charges as described in Section 5.2, the Department will reimburse the responding emergency agency and then proceed with action to obtain reimbursement from a third party or insurance company.

## BYLAW NO. 12-12

- 4 -

- 5.4 A County Fire Services Incident Report must be fully completed, describing all services provided and be accompanied by a copy of an RCMP Accident Report before the Department will consider payment of an invoice for such services as described in Section 5.2.
- 5.5 When an incident occurs on a Primary or Secondary Highway within the County, Sections 5.2 and 5.3 shall not apply. The County will recover costs from the Provincial Government.
- 5.6 Where rescue services are provided directly by the County, the Department is authorized to claim reimbursement for costs in accordance with ByLaw 44/99 (Establishment and Revision of Fees and Charges).
- 5.7 In consultation with other emergency agencies, the Department will establish and maintain response areas within the County for rescue and extrication services.

### SECTION 6 - FIRE PREVENTION

- 6.1 The Fire Chief may establish a fire prevention program within the County, including but not limited to:
  - [a] preventative inspections of properties or structures within the County in accordance with the Quality Management Plan approved by the Safety Codes Council,
  - [b] review of designs, plans, specifications and processes to ensure conformance with the Safety Codes Act as amended from time to time,
  - [c] preparation of pre-fire plans for high hazard occupancies,
  - [d] dissemination of fire prevention information to the general public.
- 6.2 The Department, subject to the direction and control of Council, may enter into agreements with other municipalities to provide fire inspection services.
- 6.3 Council, may by resolution, restrict the lighting of fires within the County including, but not limited to, open burning, the discharge of fireworks, the use of burning barrels and the use of all wood and briquette fires for cooking or warmth purposes.
- 6.4 In an emergency situation, the Fire Chief may issue a fire ban, subject to ratification by Council, within seventy two hours.
- 6.5 Outdoor fires, unless as described in Section 11.1, (a) to (e), shall not be permitted in hamlets, localities or residential sub-divisions.

### SECTION 7 - INVESTIGATIONS

- 7.1 The Fire Chief or designate may investigate the cause, origin and circumstances of every fire within his jurisdiction in accordance with the Quality Management Plan approved by the Safety Codes Council

## **BYLAW NO. 12-12**

- 5 -

- 7.2 If the person investigating an incident as described in Section 7.1 has information that indicates a fire is or may be of incendiary origin or has resulted in loss of life, the RCMP are to be advised immediately of the incident.
- 7.3 The Department, subject to the direction of Council, may enter into agreements with other municipalities to provide fire investigation services.

### **SECTION 8 - FIRE GUARDIANS**

- 8.1 Upon the recommendation of the Fire Chief, the Council shall annually appoint persons to be Fire Guardians in accordance with the Forest and Prairie Protection Act as amended from time to time.
- 8.2 Upon receipt and approval of an expense report, the Department shall reimburse a Fire Guardian for expenses incurred in the performance of his or her duties in accordance with the fee established by Council for these duties.
- 8.3 Fire Guardians who are appointed in accordance with Sec. 8.1 may issue to an applicant a fire permit in accordance with the Forest and Prairie Protection Act, as amended from time to time.
- 8.4 A fire permit described in Sec 8.3 shall be in Form A of Schedule B of this Bylaw.

### **SECTION 9 - REQUIREMENT TO REPORT**

- 9.1 The Owner or authorized agent of any property damaged by fire within the County shall immediately report particulars of the fire to the fire department within whose jurisdiction the property is located.
- 9.2 A fire department which responds to an incident within the County or is made aware of a fire within its area of jurisdiction, in which a life is lost or a person suffers injury requiring medical attention, or in which property is damaged or destroyed shall report the incident to the Fire Chief as soon as practicable.
- 9.3 A person making a report as described in Section 9.2 shall forward a County Fire Services Incident Report to the Fire Chief, together with any additional information requested by the Fire Chief.
- 9.4 Upon receipt and approval of an expense report, the Department shall reimburse the person submitting the report described in Section 9.3 for expenses incurred in the performance of his duties in accordance with the fee established by Council for these duties.
- 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 Fire Chief or his representative.

## BYLAW NO. 12-12

- 6 -

### SECTION 10 - RECOVERY OF COSTS

- 10.1 Where the Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to an emergency 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 or property within or outside the County, including any such action taken by the Department on a false alarm, the Council may, in respect of any costs incurred by the Department in taking such action, charge any costs so incurred by the 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.
- 10.2 The schedule of fees to be charged for fire, rescue, dangerous goods or false alarm responses shall be as set out in in ByLaw 44/99 (Establishment and Revision of Fees and Charges).
- 10.3 In respect of the cost or fee described in Section 10.1 and 10.2:
- [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 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 11 - OFFENCES

- 11.1 Any person who ignites, fuels, supervises, maintains or permits an outdoor fire within the County without a valid Fire Permit as required by the Forest and Prairie Protection Act is guilty of an offence, unless:
- [a] the fire is an attended outdoor camp fire set only for the purposes of cooking or warmth;
  - [b] the fire is totally confined within a non combustible structure or container that has the draft and smoke vents covered with a heavy gauge metal screen having a mesh size no larger than 13 mm and which is ventilated in such a manner as to preclude the escape of combustible materials;
  - [c] the fire is a smudge fire confined within a non-combustible structure or container, for the purpose of protecting livestock from insects or for protecting garden plants from frost;
  - [d] the fire has been set by the Department for the purpose of training firefighters;
  - [e] the fire has otherwise been authorized by the Department.
- 11.2 No person shall:
- [a] impede, obstruct or hinder a member of the Department, or other person assisting or acting under the direction of the Fire Chief or the member in charge at any incident;
  - [b] damage or destroy Department apparatus or equipment;

## **BYLAW NO. 12-12**

- 7 -

- [c] drive a vehicle over any equipment, in particular fire hose, at an incident without the permission of the Fire Chief or member in charge at the incident;
- [d] obstruct a member from carrying out any function or activity related in any way to fire protection;
- [e] falsely represent themselves as a Department member or wear or display any 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, pipe, standpipe, sprinkler system, cistern or other body of water designated for fire-fighting purposes.

### **SECTION 12 - PENALTIES**

- 12.1 Every person who 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 infraction of the Bylaw, and upon a conviction, is liable to a fine of not less than \$500.00 and not more than \$10,000.00. No person found guilty of an offense under this Bylaw shall be liable to imprisonment.

### **SECTION 13 - SEVERABILITY**

- 13.1 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 14 - REPEAL**

- 14.1 This Bylaw shall repeal Bylaw No. 6-96, Bylaw No. 3-02 and Bylaw No. 22-06.

### **SECTION 15 - EFFECTIVE DATE**

- 15.1 This Bylaw shall take effect on the date of the third reading.

DONE AND PASSED in open Council assembled at Nisku, in the Province of Alberta, this 22<sup>nd</sup> day of May, AD, 2012.

Read a first time this 22<sup>nd</sup> day of May, A.D., 2012.

**BYLAW NO. 12-12**

- 8 -

Read a second time this 22<sup>nd</sup> day of May, A.D., 2012.

Read a third time with the unanimous consent of the Council Members present and finally passed this 22<sup>nd</sup> day of May, A.D., 2012.

*John Whaley*

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MAYOR

*B. Soules*

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COUNTY MANAGER