

BYLAW # 485-0502

A BYLAW OF THE VILLAGE OF ELNORA, IN THE PROVINCE OF ALBERTA, HERAFTER REFERRED TO AS THE FIRE BYLAW, TO PROVIDE FIRE PROTECTION WITHIN THE VILLAGE OF ELNORA.

WHEREAS Section 7(a) of the Municipal Government Act Chapter M-26.1 with amendments in force as of July 15, 1996, provides that the Council of a Municipality may pass a bylaw for the purpose of respecting the health and welfare of people and the protection of people and property; and

WHEREAS Section 54 of the Municipal Government Act provides that a municipality may provide any service or thing that it provides in all or part of the municipality in another municipal authority with the agreement of the other municipal authority.

- 1) Now, therefore, the Council of the Village of Elnora, in the Province of Alberta, duly assembled does hereby authorize
 - i) The establishment of a Municipal Fire Department, assigned to the Red Deer Fire District as laid out in this bylaw.
 - ii) The establishment of regulations for fire protections.
 - iii) The establishment of Fire Districts and Fire Agreements for the purposes of contracting Fire Protection.

- 2) In this Bylaw;
 - i) **Apparatus** means any vehicle provided with machinery devices, equipment or materials for fire fighting as a vehicle used to transport fire fighters and supplies.
 - ii) **Council** means the Council of the Village of Elnora.
 - iii) **County CAO or Chief Administrative Officer** means a person appointed by Council as the Chief Administrative Officer.
 - iv) **Equipment** means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
 - v) **Fire Chief** means the person elected by Fire Department members and approved by a Municipal Council as head of a Fire Department.
 - vi) **Fire Protection** means all aspects of fire safety, including but not limited to fire prevention, rescue, emergency planning, fire fighting or suppression, emergency medical services, pre-fire planning, fire investigation, public education and information, training and other staff development and advising.
 - vii) **Incident** means a fire situation where a fire or explosion is eminent or any other situation presently a danger or possible danger to life or property and to which the fire department has responded.
 - viii) **Member** means any person that is a duly appointed member of the fire department and is named on the fire department roster.
 - ix) **Open Fire** means any fire which is not enclosed in a noncombustible container with a grill covering the opening with holes no larger than 6 millimeters by 6 millimeters.
 - x) **Rescind** means repeal and includes revoke, cancel and annul.

- 3) The Village of Elnora may enter into Agreements with other parties to provide Fire Protection and operate under this Fire Bylaw.

- 4) The Fire Chief shall submit an updated copy of the Fire Department roster to the Municipal Administrator from time to time.
- 5) The limits of the jurisdiction of the Fire Chief and the officers and members of the Fire Department extend to the area and boundaries of the Village of Elnora and no member or fire apparatus shall be used beyond the limits without expressed authorization or a written contract or agreement.
- 6) The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of the Village Council to which he shall be responsible, and, in particular, he shall be required to carry out all fire protection activities and such other activities as directed by Council, but not limited to;
 - i) Rescue
 - ii) Emergency medical services
 - iii) Disaster planning
 - iv) Preventative patrols
 - v) Pre-fire planning
 - vi) Other incidents
- 7) The Fire Chief, subject to the ratification by Council, shall establish rules, regulations, policies, and committees necessary for the proper organization and administration of the Fire Department including;
 - i) Use, care, and protection of Fire Department property;
 - ii) The conduct and discipline of officers and members of the Fire Department; and
 - iii) The formation of Standard Operating Guidelines.
- 8) The Fire Chief shall take responsibility for the enforcement of the Safety Codes Act in the fire discipline as defined in the Quality Management Plan.
- 9) Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Council, and the Fire Chief shall report to the Village Council on the operations of the Fire Department or on any other matter designated by Council.
- 10) 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.
- 11) The Fire Chief, or the member in charge at an incident, may at their discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him/her.
- 12) No person shall enter the boundaries or limits of an area prescribed in accordance with Section 12 unless he/she has been authorized to enter by the Fire Chief or the member in charge.
- 13) The Fire Chief or the member in charge at an incident may request peace officers to enforce restriction of persons entering within the boundaries or limits outlined in Section 12.
- 14) The Fire Chief or the 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 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 person or property.

- 15) The Fire Chief may obtain assistance from other officials of the municipalities deems necessary in order to discharge his duties and responsibilities under this bylaw.
- 16) No person at an incident shall impede, obstruct, or hinder a member of the Fire Department or other persons assisting or acting under the discretion of the Fire Chief or the member in charge.
- 17) No person shall damage or destroy Fire Department apparatus or equipment.
- 18) No person at an incident shall drive a vehicle or operate any equipment without permission of the Fire Chief or the member in charge.
- 19) 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.
- 20) 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.
- 21) The Fire Chief or the member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods, and merchandise from any building on fire or in danger thereof, and in guarding and securing the same and in demolishing a building or structure at or near the fire or other incident.
- 22) The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment, which he considers necessary to deal with an incident.
- 23) Fees for services may be charged in accordance with the Village Fire Policy or according to Schedule A of this bylaw.
- 24) Full-time or volunteer firefighters may, with the written permission of the Fire Chief, carry on or in a vehicle, other than an emergency vehicle, a lamp that produces intermittent flashes of green light and may operate the lamp if the vehicle is proceeding to a fire or other emergency.
- 25) No person other than a full-time or volunteer firefighter shall operate a lamp that produces intermittent flashes of green light.
- 26) Section 25 shall not be construed so as to permit a full-time or volunteer firefighter to operate a vehicle in contravention of the Highway Traffic Act, provincial regulations or this bylaw.

FIRE CONTROL

- 27) No person shall light an open fire without taking sufficient precautions to ensure that the fire can be kept under control at all times.
- 28) For the purpose of fire control, the Fire Chief, the Municipal Administrator and the Council may enforce a ban on open fires.
- 29) Upon receiving notice of a ban on open fires, any person who has an open fire shall extinguish it.
- 30) The Village of Elnora shall enforce and subsequently lift fire bans for the Village in accordance with the Red Deer County fire bans.
- 31) No person shall light an open fire during an open fire ban.
- 32) People who have started fires that are a threat to public safety or show carelessness in handling, as determined by the Fire Chief, may be charged for the cost of fighting the fire as per the Village fire policy.
- 33) Any person who violates any of the provisions of Sections 1 to 33 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 refrains from doing anything required to be done by any of 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 this bylaw, and upon summary conviction, is liable to imprisonment for a term of not more than six (6) months or to a fine of not more than Twenty Five Hundred Dollars (\$2,500) or both fine and imprisonment.
- 35) By the passing of this Fire Bylaw 485-0502 Fire Bylaw 478-0402 shall be rescinded.

THIS BYLAW SHALL COME INTO FORCE AND EFFECT ON THE FINAL DATE OF PASSING THEREOF.

DONE AND PASSED IN OPEN COUNCIL WITH THE UNANIMOUS CONSENT OF ALL MEMBERS PRESENT.

FIRST READING: September 13, 2005

SECOND READING: _____

THIRD READING: _____

Mayor

Administrator

Schedule A

FIRE PROTECTION CHARGES: Fire protection charges assessed may include any or all of the following for vehicles called out;

Pumper 1	\$500/hr	includes manpower
Pumper 2	\$250/hr	includes manpower
Rescue 1	\$350/hr	includes manpower
Quick Attack	\$250/hr	includes manpower

The appointed Fire Chief has the authority to wave any or all of these charges should he feel it appropriate to do so.