BYLAW NUMBER 05-2007

BYLAW NUMBER 05-2007 OF THE VILLAGE OF HAY LAKES IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO REPEAL BYLAW NO. 02-96 AND ANY AMENDMENTS THERETO, AND BEING REPLACED BY THIS BYLAW TO PROVIDE FOR THE OPERATION OF A FIRE DEPARTMENT.

WHEREAS, THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, c. M-26 AS AMENDED ENABLES A COUNCIL OF THE VILLAGE TO PASS BYLAWS FOR THE SAFETY, HEALTH AND WELFARE OF PEOPLE AND THE PROTECTION OF PEOPLE AND PROPERTY;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE VILLAGE OF HAY LAKES, IN THE PROVINCE OF ALBERTA DULY ASSEMBLED ENACTS AS FOLLOWS:

1. This Bylaw may be called "the Fire Department Bylaw".

2. In this Bylaw:

3. "Apparatus" – means any vehicle provided with machinery, devices or equipment or materials for firefighting as well as vehicles used to transport fire fighters or fire fighting supplies.

4. "Council" – means the Council of the Village of Hay Lakes.

5. "Equipment" – means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

6. "Fire Chief" – means the member appointed as head of the Fire Department.

7. "Fire Protection" – means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, staff training and development.

8. "Incident" – means a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger to life or property and to which the Fire Department has responded.

9. "Member" – means any person that is a duly appointed member of the Fire Department"

10. "Property Owner" – means the legal owner or owners of said property be it real or personal. Furthermore, the degree of ownership shall not be lessened by mobility or degree of permanency of the property.

11. "Village" – means the Municipal Corporation of the Village of Hay Lakes.

12. There is hereby established the Hay Lakes Fire Department which shall be organized and structured as herein provided.

13. The personnel of the Fire Department shall be;
    a. The Fire Chief as appointed by Council.
    b. Such other officers and members as the Fire Chief deems necessary may be appointed to the Fire Department, with the approval of Council.
        i. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf, in his absence.

14. The limits of the jurisdiction of the Fire Chief and officers and members of the Fire Department will extend to the area and boundaries of the Village and no part of the fire apparatus shall be used beyond the limits of the municipality without the express authorization of a written contract or agreement providing for the supply of services to incidents outside the municipal boundaries.

15. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of Council to whom he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities as Council may direct.

16. The Fire Chief, subject to ratification by Council may establish rules, regulations, guidelines and committees necessary for the proper organization and administration of the Fire Department including;
    a. use, care and protection of fire department property
    b. the conduct and discipline of officers and members of the Fire Department, and
    c. the efficient operations of the Fire Department.

17. The Fire Chief, or in his absence his designate shall endeavor to maintain adequate members and/or phone operators to ensure receipt of alarms on a normally continuous basis.

18. The Fire Chief may obtain assistance from other officials of the municipality as he deems necessary in order to discharge his duties and responsibilities under this bylaw.

19. 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 Council on the operations of the Fire Department or on any other matter in the manner designated by Council.

20. The Fire Chief, or in his absence, the senior member present, shall have control, directions and management of any Fire Department apparatus, equipment or 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.

21. 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.

21. The Fire Chief, or any other member in charge at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.

22. The Fire Chief, or member in charge, at any 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 do so by him.

23. The Fire Chief, or the member in charge, at an incident may at his discretion call upon police officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 13.

24. The Fire Chief, or the member in charge , at an incident is empowered to enter, pass through, remain on or pass over buildings or property adjacent to an incident and to cause members of the Fire Department to enter or pass through, remain on, or pass over the building or property, where he deems it necessary to gain access to the incident or to protect any person or property.

25. The Fire Chief or the member in charge of an incident may request adult 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 same and in demolishing a building or structure at or near the fire or other incident.

26. 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 the incident.

27. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.

28. 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.

29. No person shall damage or destroy Fire Department apparatus or equipment.

30. No person shall obstruct a member from carrying out duties imposed by this bylaw.

31. 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.

32. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, ire hydrant, or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.

33. 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 the 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 infraction of this bylaw, and upon a summary conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not more than 2,500.00, or to both fine and imprisonment.

34. Fees for service may be levied against a Village resident or property owner for services provided by the Fire Department and of Fire Departments resources, however, the Fire Chief, or the member in charge of an incident may request assistance from other municipalities or businesses in order to combat, control or deal with the incident and any cost incurred by such actions shall be bore by the property owner for whom Department services have been directed at the incident and also subject to section 27.

35. Any cost incurred by either the requirement or voluntary request for application of legislation of the Alberta Safety Codes Act, and/or the Alberta Fire Code Act relating to Fire Inspection and/or Fire Investigation services outside of the designated authority of the Fire Department or its members shall be bore by the property owner who such services are directed for.

36. In default of payment for said services outlined in section 26 and 27, the Council shall charge the costs of services against land, where services were provided, as taxes due and owing.

37. The Fire Chief or a 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 damage that may accrue 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.

38. Any suit brought against the Fire Chief 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 Village until final determination of the proceedings.

39. The Fire Chief or the member in charge of a Motor Vehicle Accident and/or farm incident shall respond in a SECONDARY ROLL ONLY, providing traffic control safety, Basic First Aid and Vehicle Stabilization to assist Emergency Medical Services and City of Camrose Fire Personnel.
    a. In the event of emanate danger to the life safety of the occupant(s) of the motor vehicle accident and/or farm incident the Fire Chief and/or Fire Member in charge shall take it upon themselves to make a decision to extricate the occupant(s) in a

safe and timely manner as though attempting to minimize further life injury and/or death to the occupant(s).

40. The Fire Chief or Member in Charge of a structure fire shall not initiate offensive fire attack (interior attack) without a minimum of six fire fighters (members) present on scene even if a life safety hazard is present a defense (exterior attack) will only be engaged if less than six members are present.

41. Bylaw No. 02-96 is hereby repealed.

42. This bylaw shall come into force upon the date of the passing of the third and final reading thereof.

COMMENCEMENT OF ENFORCEMENT

Read a first time in Open Council this 22nd day of June, 2007.

Read a second time in Open Council this _____ day of _____, 2007.

Read a third time in Open Council and finally passed this _____ day of _____, 2007.

This Bylaw shall come into full force and effect on the _____ day of _____, 2007.

_____
Mayor

_____
CAO