



Claresholm

TOWN OF CLARESHOLM PROVINCE OF ALBERTA BYLAW #1662

A Bylaw of the Town of Claresholm, in the Province of Alberta, to provide for the establishment and operation of a volunteer fire department and to provide for the protection and preservation of life and property within the municipality.

WHEREAS the *Municipal Government Act* R.S.A. 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 for services provided by or on behalf of the municipality;

AND WHEREAS the Council for the Town of Claresholm wishes to establish and provide for the efficient operation of Fire Services;

NOW THEREFORE the Council of the Town of Claresholm 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) "Apparatus" means any vehicle suitable for land, air, or water use which is provided with machinery, devices, equipment, materials or personnel for fire fighting, rescue, or other emergency response, as well as vehicles used to transport fire fighters or supplies.
- b) "Chief Administrative Officer (CAO)" means that person appointed to the position and title by Council and includes any person appointed by the CAO to act as his/her appointee.
- c) "Council" shall mean the Municipal Council of the Town of Claresholm.
- d) "Department" shall mean the Claresholm Fire Department established under this Bylaw.
- e) "Department Property" means all property owned or controlled by, and designated for use by, the Department, regardless of the source of the property.
- f) "Director of Emergency Management" shall mean that person appointed by Council to act as the Town of Claresholm's Director of Emergency Management or designated delegate.
- g) "Disaster" shall mean an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property.
- h) "Emergency" shall mean a present or imminent event that requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property.
- i) "Enforcement Officer" shall mean a Community Peace Officer, Bylaw Enforcement Officer, RCMP Officer or an inspector appointed by and employed by the Town with respect to the enforcement of bylaws of the Town of Claresholm.
- j) "Equipment" shall mean any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
- k) "False Alarm" means any notification to the Department of any Member thereof respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or property, wherein such a condition, circumstance or event is in fact not in existence.
- l) "Fire" means the burning of any flammable or combustible material or any combustible material in a state of combustion.
- m) "Fire Chief" shall mean the person employed by the Town under the provisions of this Bylaw, or designated delegate.
- n) "Fire Department Property" means all property owned or controlled by, and designated for use by, the Fire Department, regardless of the source of the property.
- o) "Fire Permit" means a document issued by the Fire Chief pursuant to this Bylaw, on the form adopted by the Town from time to time.
- p) "Fire Protection" shall mean 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, rescue, training or other staff development and advising.
- q) "First Responder (Awareness)" shall mean those persons who in the course of their normal duties may be the first on the scene of a Dangerous Goods or Hazardous Materials incident and are trained to recognize that a hazard exists, call for trained personnel and secure the area.

- r) **"First Responder (Emergency Services)"** shall mean those persons, who in the course of their normal duties, may be the first on the scene of a medical emergency, and are trained to a basic first aid and CPR training level.
- s) **"Incident"** shall mean a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property and to which the Department has responded.
- t) **"Incident Commander"** shall mean the Fire Chief or in the absence of the Fire Chief, the highest ranking Member present at an incident.
- u) **"Inspection Officer"** shall mean the Fire Chief, or any Member directed to undertake inspections.
- v) **"Member"** shall mean any person employed as a Volunteer Member of the Department under this Bylaw and shall also include the Fire Chief.
- w) **"Municipal Government Act"** shall mean the Municipal Government Act, RSA 2000, Chapter M-26, and any amendments thereto;
- x) **"Mutual Aid Agreement"** shall mean an agreement between the Town and other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment.
- y) **"Officer"** shall mean an Officer of the Department.
- z) **"Qualified Personnel"** shall mean a person in possession of a Fireworks Supervisor Card issued pursuant to the Explosives Act (Canada) and the Alberta Fire Code A.R. 52/98 and their regulations.
- aa) **"Quality Management Plan (QMP)"** shall mean the uniform QMP approved by the Safety Codes Council.
- bb) **"Safety Codes Officer"** shall mean an individual designated as a Safety Codes Officer in accordance with the Safety Codes Act S.A. 1991 c. S-0.5, s. 7.
- cc) **"Standard Operating Procedures"** shall mean the Claresholm Fire Department's Procedure Manual.
- dd) **"Town"** shall mean the Town of Claresholm.

SECTION 3

ESTABLISHMENT OF DEPARTMENT

- 3.1 Council hereby establishes the Claresholm Fire Department for the purpose of:
 - a) Providing Fire Protection services;
 - b) Preventing, combating and extinguishing Fires and Incidents;
 - c) Investigating the cause and origin of Fires and Incidents;
 - d) Preserving life and property and protecting persons and property from injury or destruction by Fire or Incident;
 - e) Operating Apparatus and Equipment for the purpose of extinguishing Fires or Incidents and preserving life and property;
 - f) Fulfilling obligations under approved Fire Protection agreements;
 - g) Providing public education about fire safety;
 - h) Carrying out Fire inspections and prevention patrols;
 - i) Pre-fire and emergency planning and practice;
 - j) Providing initial first response to medical incidents; and
 - k) Providing rescue services.

- 3.2 The Department shall respond within the scope that the department's manpower, equipment and training permits, for the purpose of:
 - a) Preventing and extinguishing fires in structures and wild land areas;
 - b) Preserving life and property and protecting persons and property from injury or destruction by fire;
 - c) Providing assistance to emergency medical services (EMS) as required;
 - d) Acting as First Responders (Awareness) preserving life and property and protecting persons from injury or destruction by Dangerous Goods, or Hazardous Materials or Industrial incidents;
 - e) Acting as First Responders (Emergency Services) preserving life and persons from injury;
 - f) Providing rescue extrication services from vehicles;
 - g) Investigating the cause of fire in accordance with the Quality Management Plan;
 - h) Carrying out prevention patrols, pre-fire planning and fire inspections in accordance with the Quality Management Plan;
 - i) Assisting in disaster planning and "mock exercises";
 - j) Enforcing the provisions of the Safety Codes Act and its regulations;
 - k) Providing public education about fire safety.

- 3.3 Members shall carry out duties and responsibilities assigned to them under the Bylaw or Policies adopted by the Council.

SECTION 4

JURISDICTION

- 4.1 The limits of the jurisdiction of the Department shall extend to the area and boundaries of the Town and no apparatus shall be used beyond the limits of the Town without the express authorization of a Mutual Aid Agreement and/or authorization of the Member in Charge.

SECTION 5 HEALTH AND SAFETY

- 5.1 All members will endeavor to perform Fire Protection and Rescue services in a safe manner, in accordance with:
- a) Good judgment;
 - b) This bylaw;
 - c) Other related bylaws;
 - d) Established policies and guidelines;
 - e) The Quality Management Plan (QMP);
 - f) The training provided;
 - g) The Highway Traffic Act;
 - h) The Safety Codes Act;
 - i) A Code of Practice for Firefighters – Application of Alberta’s Occupational Health and Safety Code 2006 to Emergency Operations of the Fire Service in Alberta;
 - j) Best safe working practices;
 - k) The department’s Standard Operational Procedures.
- 5.2 All members will report unsafe conditions to the Fire Chief or his/her designate and endeavor to reduce the incidence of unsafe conditions.
- 5.3 No member will attend at an incident when under impairment from alcohol or any performance altering and/or illegal drug.
- 5.4 No member will consume any alcohol or performance altering and/or illegal drugs while attending at an incident.
- 5.5 No alcohol is permitted in the Fire Hall at any time.
- 5.6 If the fire department organizes a social function or a large number of members are expecting to attend a social function, the Fire Chief will establish a list of members who will respond to any incidents during the time of that social function and for eight (8) hours following the social function. These members will ensure that they are capable of responding to any incidents during the time frame for which they are assigned.

SECTION 6 FIRE CHIEF

- 6.1 There shall be established the full-time position of Fire Chief which shall, subject to the direction of the CAO, be responsible for the operation and administration of the Department in accordance with the provisions of this Bylaw and the policies established by the Council.
- 6.2 The Fire Chief shall be hired by the Town in accordance with hiring procedures in this Bylaw and Town Policies.
- 6.3 The Fire Chief has complete responsibility and authority over the Department, subject to the direction of the CAO. In particular, the Fire Chief may direct the Department and its Members to carry out all Fire Protection and Emergency Services activities and such other activities as the CAO may direct, including but not limited to:
- a) Pre-fire planning;
 - b) Prevention patrols;
 - c) Fire suppression activities;
 - d) Emergency medical services, excepting ambulance services;
 - e) Rescue operations;
 - f) Disaster relief;
 - g) Practice and member training.
- 6.4 The Fire Chief shall prepare and recommend for adoption by the Council as the case may be such rules, regulations, policies, standard operating procedures and protocols as may be required for the proper operation and administration of the Department, including, but not limited to administrative and technical work in planning, organizing and directing the fire fighting and fire prevention activities, pre-fire planning, preventive patrols and disaster planning assistance.
- 6.5 The Fire Chief shall prepare annually for submission to the CAO, a Fire Services Plan which shall establish the fire protection service levels to be provided to the Town, the detailed operating and capital budget for the next fiscal year, the estimated expenditures and revenues for the upcoming three (3) years and estimated capital requirements and capital equipment plan for the next five (5) years.

- 6.6 The Fire Chief shall keep or cause to be kept in proper form, records of all transactions of the Department's "Fire Fund" bank account independently audited by a Committee of members on an annual basis at the members' cost. This report will be submitted to the CAO as part of the Fire Chief's annual report.
- 6.7 The Fire Chief shall:
- a) Be responsible for the appointment of Members to the Department as required;
 - b) Have the authority to dismiss any Member for cause which might include but are not limited to neglect of duties or insubordination. Dismissal of any Member by the Fire Chief will be carried out only after consultation with the CAO, Deputy Fire Chief and three (3) Crew Captains.
- 6.8 The Fire Chief shall be responsible for the use, care and protection of Department property.
- 6.9 The Fire Chief shall, upon approval of the CAO, purchase or otherwise direct the acquisition of such apparatus or supplies that may be required for the proper operation and administration of the Department.
- 6.10 The Fire Chief shall keep or cause to be kept, in proper form, records of all business transactions of the Department, including the purchase or acquisition of apparatus or supplies.
- 6.11 The Fire Chief shall report all fires and incidents immediately after completing response to said fires and incidents to the CAO or their designate, with sufficient details to enable the invoicing process to properly occur and to meet the requirements of the **Safety Codes Act**, RSA 2000, Chapter S-1, as amended.
- 6.12 The Fire Chief may obtain assistance from other officials of the municipality as the Fire Chief may deem necessary in order to discharge the Fire Chief's duties and responsibilities under this Bylaw.
- 6.13 The Fire Chief shall be trained as a Fire Safety Codes Officer.
- 6.14 The Fire Chief shall ensure all Department members are trained in all Town policies and that these policies are enforced.
- 6.15 The Fire Chief shall ensure that the Department's property and/or the Town's equipment are not used for personal use by the Department's members. This includes, but is not limited to, the use of the Town's trucks for anything other than a fire, emergency, approved training and community events such as the parade or fire education.

SECTION 7 FILLING A VACANCY FOR FIRE CHIEF

- 7.1 When a vacancy for Fire Chief occurs, a hiring committee consisting of the CAO, Human Resources and an Officer from the Fire Department will select the candidate.
- 7.2 Town Council, by resolution, will appoint the Town of Claresholm Fire Chief.

SECTION 8 MEMBERSHIP

- 8.1 An individual interested in becoming a member may be considered for membership if the individual:
- a) Has completed, or commits to completing a training program prescribed by the Fire Chief, or has already completed a separate training program or has sufficient experience, which in the opinion of the Fire Chief is equivalent to the prescribed training program; and,
 - b) Is in reasonable physical condition to perform the duties requested of the Member. The Committee may, at their sole discretion request that the member or prospective member provide written documentation from a physician that there is no medical reason for them not to perform the duties requested; and
 - c) Meets the standards established in the Department's Standard Operational Procedures or Operational Guidelines, together with any Provincial Occupational Health and Safety Program or training.

SECTION 9 FILLING A VACANCY FOR VOLUNTEER FIREFIGHTER

- 9.1 The Fire Chief shall be responsible to fill all Volunteer Firefighter vacancies for the Claresholm Fire Department.

SECTION 10 INCIDENT COMMANDER

- 10.1 Where an Incident Commander is the highest ranking Member present at an incident, the Incident Commander shall continue to act as Incident Commander until relieved by the Fire Chief or by an officer authorized to do so.

SECTION 11 EMERGENCY MANAGEMENT

11.1 In the event an Emergency or Disaster is declared, the Fire Chief, or in their absence the Member in Charge shall be responsible to the Director of Emergency Management for the conduct of emergency operations.

SECTION 12 POWERS OF MEMBERS

12.1 The Fire Chief is a designated officer within the meaning of the *Municipal Government Act* R.S.A. 2000 Chapter M-26, as amended, for the purposes of providing Fire Protection Services to the Town.

- 12.2 Each Member shall have the authority and power to:
- a) Require any able-bodied adult person to assist in extinguishing fires and to assist in the prevention or spread thereof;
 - b) Commandeer and authorize payment for the possession or use of any equipment for the purposes of fighting a fire;
 - c) Obtain from every person found on public land or leaving or entering public land that person's name, address and an account of his or her activities and the route of the activities he or she proposes to carry out and the route he or she intends to follow on the public land;
 - d) Without a warrant enter on or into any property except a private dwelling house, for the purpose of discharging his or her duties under this Bylaw;
 - e) Without a warrant, enter any private dwelling house which is on fire and proceed to extinguish the fire or to prevent the spread thereof;
 - f) Direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
 - g) Perform work relating to extinguishing or controlling the fire or the operations to preserve life and property and enter onto any property for the purpose of extinguishing or controlling the fire; and
 - h) Prevent interference with the efforts or persons engaged in the extinguishing of fires or preventing the spread thereof, by regulating the conduct of the public at or in the vicinity of the fire.

SECTION 13 POWERS OF MEMBERS IN CHARGE AT INCIDENTS

13.1 The Incident Commander shall have control, direction and management of any Department apparatus, equipment or manpower assigned to an Incident and he or she shall continue to act until relieved by an Officer authorized to do so.

13.2 The Incident Commander may at his or her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her.

13.3 The Incident Commander may request Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 13.2.

- 13.4 The Incident Commander is empowered to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an Incident including:
- a) Enter property or buildings where an Incident is occurring and to cause Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over the building or property;
 - b) Passing through or over buildings or property adjacent to an Incident and to causing Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over the building or property;
 - c) Ordering the evacuation of any building or area which is directly or indirectly involved in an Incident;
 - d) Causing a building, structure or thing to be pulled down, demolished or otherwise removed, and;
 - e) Upon extinguishment of a fire or resolution of an Incident, access, enter, pass through, or over buildings or property adjacent to a fire or Incident, and cause a building, structure or thing to be pulled down, demolished or otherwise removed in accordance with the *Safety Codes Act*, R.S.A. 2000, Chapter S-1, as amended, and any regulations thereto.

SECTION 14 PROPERTY IDENTIFICATION

14.1 The civic address of any Property, including buildings and structures, shall be prominently displayed on the front of the Property, including buildings and structures, so as to be clearly visible from both the street and rear laneway.

SECTION 15

LIABILITY

15.1 The CAO, Designated Officers, Enforcement Officers and Members are not liable for loss or damage caused by anything said or done or omitted to be done in the performance or intended performance of their functions, duties or powers unless the circumstances constitute dishonesty, gross negligence or willful misconduct.

15.2 Any suit brought against a Member, because of an act or omission performed by the Member in the enforcement of any provision of this Bylaw, shall be defended by the Town until final determination of the proceedings. Any Member will be reimbursed or indemnified against any loss or expense which the Member may incur as a result of any inquiry relating to, or any action brought or judgment obtained arising out of the Member's duties. The Town shall not be required to pay any fines or penalties levied or imposed against any Member by reason of any conviction or charge for any violation of any statute or Bylaw.

SECTION 16

SEVERABILITY

16.1 Should any section or part of this Bylaw be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of 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

REPEALED

17.1 Bylaw #1558, Bylaw #1587 and Bylaw #1617 the "Fire Protection and Emergency Services Bylaws" and any amendments, are hereby repealed.

SECTION 18


PASSAGE OF BYLAW

18.1 This Bylaw shall come into effect upon passage of 3rd Reading.

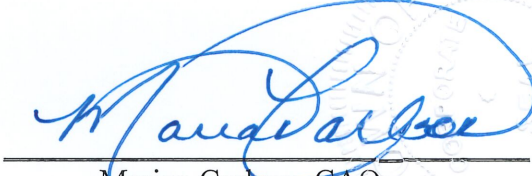
READ a first time in Council this **12th** day of **August** 2019 A.D.

READ a second time in Council this **9th** day of **September** 2019 A.D.

READ a third time in Council and finally passed this **9th** day of **September** 2019 A.D.



Doug MacPherson, Mayor



Marian Carlson, CAO

