

**TOWN OF BON ACCORD
FIRE BYLAW
BYLAW 2009-06**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING FOR EFFICIENT OPERATION OF FIRE SERVICES.

WHEREAS, the MGA, provides that a Council of a Municipality may pass Bylaws for the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

AND WHEREAS, the Council of the Town of Bon Accord wishes to establish a fire service within the Town and to provide for efficient operation of such a fire service;

NOW THEREFORE, the Council of the Town of Bon Accord in the Province of Alberta duly assembled enacts as follows:

SECTION 1: Short Title

- 1.1 This Bylaw may be cited as the "Fire Bylaw".

SECTION 2: Definition

- 2.1 In this Bylaw:
- a) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting, as well as, any vehicle used for transporting firefighters or firefighting equipment or supplies.
 - b) "Bylaw Enforcement Officer" means the Community Peace Officer, Peace Officer, Town CAO, or a person designated by the Town CAO to act in this capacity.
 - c) "Contained Fire" means a fire, which is totally confined within a non-combustible structure or container and which is ventilated in such a manner as to prevent the escape of combustible materials including ash.
 - d) "Council" means the Council of the Town of Bon Accord.
 - e) "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, handling, storage or transportation environment, and shall include those products, substances, and organisms that are covered by the Transport of Dangerous Goods Regulations.
 - f) "Emergency Unit" means any vehicle operated for emergency purposes whether on land, water, or in air, by the Bon Accord Fire Department.
 - g) "Equipment" means any tools, contrivances, devices or materials used by the Bon Accord Fire Department to combat an incident or other emergency.
 - h) "False Alarm" means any notification to the Bon Accord Fire Department respecting the existence of a condition, circumstance, or event contrary to imminent serious danger to persons or property, wherein such a circumstance or event is in fact not in existence.
 - i) "Fire" means any combustible material in a state of combustion.
 - j) "Fire Chief" means the Bon Accord Fire Chief as appointed by Council resolution or a designate who performs the duties and responsibilities of the Fire Chief.
 - k) "Fire Department" means the department established by the Bylaw and including the persons duly appointed to the Bon Accord Fire Department by Council and the Fire Chief.
 - l) "Fire Permit" means a document issued by the Fire Chief pursuant to this Bylaw in a form approved by the Town of Bon Accord.
 - m) "Fire Protection" means all aspects of fire safety, including but not limited to prevention, firefighting or suppression, pre-fire planning, fire inspection and investigation, public education and information, training and staff development, advertising and responding to a request for Fire Protection (including emergencies and false alarms).

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- n) "Incident" means a fire or a situation where a fire or explosion is imminent or other situation presenting a fire or possible danger to life or property, or the environment and to which the Bon Accord Fire Department has responded.
- o) "Member" means any person that is a duly appointed member of the public conscripted by the Fire Chief or his designate under Section 7.5 herein.
- p) "Municipality" means the Town of Bon Accord.
- q) "Officer In Charge" means the member of the Bon Accord Fire Department responsible for the management of the Bon Accord Fire Department resources in incident mitigation.
- r) "Out Door Fire" means any fire not contained within a building or structure or any fire that has escaped or spread from a building, machine, or vehicle and any fire set for the purpose of thawing frozen ground.
- s) "Property" means real or personal property, which, without limiting the generality of the foregoing, includes land and structures.
- t) "Recreational Fire" means a fire contained in a container approved by the Fire Chief or designate for the purpose of warmth or viewing for pleasure.
- u) "Structure Fire" means a fire confined to and within any building vehicle, which will or is likely to cause the destruction of such building, structure, machine or vehicle.
- v) "Town" means the Town of Bon Accord.

SECTION 3: Interpretation

- 3.1 Wherever the provisions of this Bylaw are at variance with each other, the more restrictive of the two (2) provisions shall apply.
- 3.2 Where there is any conflict between the provisions of this Bylaw and any other Bylaw related to Fire Services, the provisions of this Bylaw shall prevail.

SECTION 4: Bon Accord Fire Department Jurisdiction

- 4.1 The Bon Accord Fire Department of the Town of Bon Accord shall consist of a fire chief, members, buildings, apparatus and equipment necessary to safeguard the health and welfare, and safety of people and to protect people and property.
- 4.2 The Town of Bon Accord Fire Truck shall not be used beyond the limits of the Town without permission of the Mayor, Deputy Mayor, Town CAO or her/his designate except with duly approved contracts, which have been entered into with the Town for use of the said apparatus.

SECTION 5: Appointment of Fire Chief and Members

- 5.1 The Fire Chief shall be selected from within the Fire Department and said appointment shall be ratified by Council for a three (3) year term.
- 5.2 The Fire Chief shall be responsible to the Town CAO.
- 5.3 The Fire Chief may appoint the Deputy Fire Chief and other Officers as required by department. These officers will be officially appointed by Council. These officers will be supervised by the Fire Chief.
- 5.4 The Fire Chief and Deputy Fire Chief may appoint additional members to the Fire Department. These members shall be supervised by the Fire Chief, Deputy Fire Chief and officers and shall be ratified by Council.

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SECTION 6: Powers and Duties of the Fire Chief

- 6.1 The Fire Chief may upon approval of Council, purchase or otherwise acquire equipment, emergency units, materials and supplies required for the operation, maintenance and administration of the Town of Bon Accord Fire Department. Funds budgeted are with Town of Bon Accord and Sturgeon County.
- 6.2 The Fire Chief shall have, subject to direction of the Town CAO, full and complete control and authority over the Bon Accord Fire Department, its members, its organization, administration and discipline, including powers of promotion for merit, or reprimand, suspension or dismissal for neglected duty, insubordination, or other cause.
- 6.3 The Fire Chief shall, subject to approval of the Town CAO be authorized to establish rules, regulations, policies and any committees necessary for the proper organization and administration of the Bon Accord Fire Department, providing that any regulations, rules or policies made pursuant to the Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 6.4 Where an emergency or a potential emergency exists, the Fire Chief, Deputy Fire Chief or designate shall be at liberty to suspend all types of fire, within all or a portion or portions of the Municipality for such a period of time and on such conditions as may be determined by the Fire Chief, Deputy Fire Chief or designate .

SECTION 7: Powers and Duties of the Fire Chief, Deputy Fire Chief and Officers In Charge

- 7.1 The Fire Chief, Deputy Fire Chief or Officer In Charge at an incident has the authority to cause a building or structure to be demolished or otherwise removed if the Fire Chief, Deputy Fire Chief, or Officer In Charge deems it necessary to prevent the spread of fire to other buildings, structures or places.
- 7.2 The Fire Chief, Deputy Fire Chief or Office in Charge at an incident is empowered to enter premises or property where the incident occurred and to cause any members, apparatus, or equipment of the Bon Accord Fire Department to enter as they deem necessary in order to combat, control, or deal with the incident.
- 7.3 The Fire Chief, Deputy Fire Chief, Officer In Charge at any incident shall also have the power, if he/she shall deem necessary, for the protection of any building or other property to enter or pass through, or to cause members of the Bon Accord Fire Department to enter or pass through, any building or premise adjacent or near the scene of the incident, or to convey through or to use to operate through, in, or from such adjacent or nearby building or premise any emergency units or equipment which he shall deem necessary.
- 7.4 The Fire Chief, Deputy Fire Chief or Officer In Charge at any incident may in his/her discretion prescribe the limits in the vicinity of the incident within which, until he/she removes or changes such limits, no person or vehicle shall be permitted to come, unless such person be a regular member of the Bon Accord Fire Department or a Police Department, or be admitted by order of the Fire Chief, Deputy Fire Chief and any person who shall without permission enter upon any portion of such limits herein specified during the time the same shall be so closed, shall be subject to the penalties of this Bylaw. The Fire Chief, Deputy Fire Chief or the Officer In Charge shall be authorized to call upon the police.
- 7.5 For the prevention or extinguishing of fires and for the preservation of life and property from injury or destruction by fire, the Fire Chief, Deputy Fire Chief or Officer In Charge may compel adults for the time being in the municipality to assist in the extinguishing of fires and to assist in the prevention or spread thereof.

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- 7.6 The Fire Chief, Deputy Fire Chief or Officer In Charge may obtain assistance and support from other officials of the Town as he deems necessary to discharge his duties and responsibilities under this Bylaw and other officials of the Town shall provide such assistance forthwith when so requested.
- 7.7 The Fire Chief, Deputy Fire Chief or Officer In Charge of an incident shall have the power to commandeer or use any equipment necessary for the purpose of mitigating an incident.

SECTION 8: Power of Fire Department Members

- 8.1 Each member shall have the authority and power to:
- a) extinguish or control the fire or the operations to preserve life and property;
 - b) may enter onto any property for the purpose of extinguishing and controlling the fire;
 - c) prevent interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof by regulating the conduct of the public in the vicinity of any fire.

SECTION 9: Powers of Officers

- 9.1 Each Officer shall have the power and authority to:
- a) respecting fire permit, including the authority and power to:
 - i) issue a fire permit in respect of any land within the Town of Bon Accord;
 - ii) issue a fire permit unconditionally or impose conditions on the applicant, which the member, in his or her discretion, deems appropriate;
 - iii) suspend or cancel, at any time, a fire permit.

SECTION 10: Discharge of Duties

- 10.1 It is the duty of each member of the Bon Accord Fire Department while performing his/hers duties, to carry an identification card, approved by the Town.
- 10.2 The Fire Chief or any employee charged with enforcement of this Bylaw, acting in good faith and without malice for the Town in the discharge of its duties, should 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 in the discharge of his duties.

SECTION 11: Fire Prevention Committee

- 11.1 Within the Bon Accord Fire Department there may be a committee which shall have as its responsibility the enforcement of provisions of the Safety Codes Act and its Regulations, this Bylaw and such other duties as the Fire Chief may delegate.
- 11.2 The head of the Fire Prevention Committee shall be the Fire Prevention Officer whose direction shall come from the Fire Chief.
- 11.3 The Fire Chief may establish inspections be undertaken as requested by the residents / owners or operators of businesses within the Town of Bon Accord.
- 11.4 The Fire Chief or designate may inspect any building, structure or place upon receipt of a complaint regarding that building, structure or place.
- 11.5 The Fire Chief, or designate, shall inspect all Town owned buildings when requested to do so by CAO, or designate.

SECTION 12: Requirement to Report

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- 12.1 The owner or authorized agent of any property damaged by fire shall immediately report to the Bon Accord Fire Department the particulars of the fire, which are satisfactory to the Fire Chief or his designate.
- 12.2 The owner or authorized agent of any property containing a dangerous good(s) product which sustains accidental or unplanned release of dangerous good(s) product shall immediately report to the Bon Accord Fire Department particulars of the release which are satisfactory to the Fire Chief or his designate.

SECTION 13: Violations and Penalties.

- 13.1 No person shall in any way impact or hinder any member of the Bon Accord Fire Department or person who shall be assisting in extinguishing any fire, or acting under the directions of the Fire Chief, or performing any other duties provided for in this Bylaw, and no person shall move any fire hose or drive a vehicle over a fire hose at any fire without the permission of the Bon Accord Fire Department member in charge.
- 13.2 No person shall place or cause to be placed, any matter or thing, so as to obstruct or interfere with the operation or use of any fire hydrant, the Bon Accord Fire Department water inlet or outlet connections on buildings, fire alarm controls, manual alarm stations, or any fire detection device or equipment.
- 13.3 No person, other than an employee of the Town Public Works Department or a member of the Bon Accord Fire Department, shall use of fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from an Official of the Town's Public Works Department or the Bon Accord Fire Chief in writing.
- 13.4 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, cisterns or bodies of water designated by firefighting purposes.
- 13.5 All persons at or near any fire shall assist in extinguishing the same and in removing furniture, goods, or merchandise from any building on fire or in danger thereof, in guarding and securing the same, and in demolishing any building or structure at, near or adjacent to the fire, or aid in the evacuation of persons from any building on fire or in danger of fire, when conscripted to do so by the Fire Chief or Officer In Charge.
- 13.6 Any person who in any way obstructs, prevents or refuses to admit a Fire Inspector or Investigator in, to or upon any land, premises, yards, or buildings, for the purpose of inspecting or investigating or the same, or who incites or abets such shall be considered in breach of this Bylaw.
- 13.7 No person shall willfully or maliciously destroy or injure any property at a fire or any emergency unit(s) belonging to the Bon Accord Fire Department.
- 13.8 No person shall falsely represent himself to be an employee, or member of, or connected to the Bon Accord Fire Department.
- 13.9 No person shall wear, use or have in his possession or under his control any official badge, identification card, insignia, button, helmet or uniform of the Bon Accord Fire Department unless such person is a regular or retired member of the Bon Accord Fire Department, and has direct and specific authority to wear or have in his possession or under his control such items.

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- 13.10 No person shall use, or have in his possession or under his control, any key or code for the Bon Accord Fire Department building or vehicle, or key or code for any fire alarm or control box within the Town, unless directly and specifically authorized to do so by the Fire Chief.
- 13.11 No person, unless authorized by the Fire Chief for practice purposes, shall, by use of a fire alarm, telephone, or any other method normally used to make or cause to be made any false alarm.
- 13.12 No person shall falsely state that he has the sanction of the Bon Accord Fire Department in soliciting any person or company on any matter.
- 13.13 Any person who refuses to provide or furnish any information under this Bylaw, when requested by the Fire Chief or his designate, or who encourages such shall be considered in breach of this Bylaw.
- 13.14 No person shall at an incident enter the boundaries or limits of the fire area without the permission of the Fire Chief or Officer In Charge.
- 13.15 No person shall light a fire when a fire ban is in place within the Town of Bon Accord.
- 13.16 No person shall light a fire unless they have taken responsible steps to control the fire for the purpose for which it was lit and prevent it from becoming a running fire.
- 13.17 No person shall knowingly make a false statement in a fire permit application.
- 13.18 No person shall light a fire or burn any material contrary to federal, provincial or municipal legislation or regulations.
- 13.19 No person shall use a fire to burn all normal waste, which results from the operating of a household or commercial business.
- 13.20 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 refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does not act 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 summary conviction liable to penalties as attached in Schedule "A".

SECTION 14: Violation Tags

- 14.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to a person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened a provision of this Bylaw.
- 14.2 A Violation Tag may be issued to such persons:
 - a) either personally, or
 - b) by mailing a copy to such person at his or her last known mailing address.
- 14.3 The Violation Tag shall be in a form approved by the Municipality or the responsible Officer of the Municipality and shall state:
 - a) the name of the person;
 - b) the offence;
 - c) the appropriate penalty for the offence as specified in Schedule 'A' of this Bylaw;
 - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - e) any other information as may be required by the Municipality.

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- 14.4 Where an offence of this Bylaw continues for more than one day, a Bylaw Enforcement Officer may issue one Violation Tag for each day that the offence continues.
- 14.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of having prosecuted for the offence, pay to the Town of Bon Accord the penalty specified in the Violation Tag.
- 14.6 Nothing in the Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of the Bylaw.

SECTION 15: Violation Tickets

- 15.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then the Bylaw Enforcement Officer may issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.

SECTION 16: General

- 16.1 Bylaw # 2009-04 is hereby repealed.
- 16.2 This Bylaw shall come into force and effect on the final date of passing thereof.

READ A FIRST TIME THIS 16th DAY OF June, 2009

Mayor Lindly VanDusen

Chief Administrative Officer Vicki Zinyk

READ A SECOND TIME THIS 16th DAY OF June, 2009

Mayor Lindly VanDusen

Chief Administrative Officer Vicki Zinyk

READ A THIRD TIME THIS 16th DAY OF June, 2009

Mayor Lindly VanDusen

Chief Administrative Officer Vicki Zinyk

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Schedule 'A'

Penalties Imposed Pursuant to Violation Tags or Violation Tickets

Section	Violation	Penalty
12.1	Failing to report property damaged by fire	\$100.00
12.2	Failing to report a release of dangerous goods	\$500.00
13.1	Interference with performance of duties	\$200.00
13.1	Move or drive over apparatus or equipment without permission	\$300.00
13.2	Obstruction of interference with the operation or use of any fire hydrant or any apparatus required for the use of the Bon Accord Fire Department	\$300.00
13.3	Using a fire hydrant for the purpose of obtaining or discharging water without permission	\$100.00
13.4	Obstruction of access roads or streets or other apparatus used for fire suppression	\$300.00
13.5	Failing to assist when conscripted by the Fire Chief or Incident Manager	\$200.00
13.6	Obstruction of a Safety Codes Officer or Inspector to enter a premise for the purpose of inspecting or investigating	\$300.00
13.7	Damage or destroy Fire Department apparatus or equipment	\$500.00
13.8	Falsely representing themselves as a member of the Fire Department	\$200.00
13.9	Having in possession to wear or use any official badge, identification card, insignia, button, helmet or uniform of the Bon Accord Fire Department unless such person is a regular or retired member of the said Department	\$100.00
13.10	Having in possession keys for the building or equipment unless authorized by the Chief	\$200.00
13.11	Making of a false alarm	\$200.00
13.12	Falsely soliciting on behalf of the Fire Department	\$200.00

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13.13	Refusal to provide of cause to provide information requested by the Bon Accord Fire Department	\$100.00
13.14	Entering fire boundaries without permission	\$100.00
13.15	Failing to adhere to a fire ban	\$500.00
13.16	Not controlling a fire and allowing it to become a running fire	\$500.00
13.17	Making a false statement in a Fire Permit application	\$200.00
13.18	Burning a material contrary to federal, provincial or municipal legislation	\$300.00
13.19	Burning normal waste from operation of a household or commercial business	\$300.00