

**BY-LAW NO. 731
OF THE
TOWN OF STAVELY**

A BYLAW OF THE TOWN OF STAVELY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES.

WHEREAS, The Town of Stavely wishes to establish and provide for the efficient operation of a Fire Protection Service, pursuant to the laws of the Province of Alberta.

AND WHEREAS, the Council of The Town of Stavely has entered into a Fire Protection Agreement with the Municipal District of Willow Creek No. 26 to provide fire protection and rescue services within designated Fire Protection Areas,

AND WHEREAS, the combination of the agreements with the Municipal District of Willow Creek No. 26 and Towns within the Municipal District of Willow Creek No. 26 boundaries forms the Willow Creek Regional Fire Service;

AND WHEREAS, the Council of The Town of Stavely has in place a joint Fire Safety Quality Management Plan approved by the Safety Codes Council dated October 23 1998, under the provisions of the Safety Codes Act R.S.A. 2000, Chapter S-1, as amended and attached as Schedule A.

NOW THEREFORE, pursuant to the provisions of Part 2 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, the Council of The Town of Stavely, in the Province of Alberta, duly assembled, enacts as follows:

100 SHORT TITLE

 This Bylaw may be cited as the "Willow Creek Regional Fire Service Bylaw",
 or the "Fire Bylaw".

200 DEFINITIONS

In this Bylaw:

- a) **Administrator** – means the Municipal Administrator of the Town of Stavely.
- b) **Apparatus** – means any vehicle suitable for land, air, or water use which is provided with machinery, devices, equipment or materials for fire fighting, rescue, or other emergency response, as well as vehicles used to transport fire fighters or supplies.

- c) **Business Meeting** – means a gathering of the Members of the Fire Department, scheduled by the Fire Chief, and at which meeting no training is conducted.
- d) **Council** – means the Council of The Town of Stavely.
- e) **Deputy Fire Chief** – means a member of a Fire Department duly appointed to act on behalf of the Fire Chief and is reportable directly to the Fire Chief.
- f) **Equipment** – means any tools, contrivances, devices and materials used by the Fire Department, to combat an incident or other emergency.
- g) **False Alarm** – means any notification to the Fire Department or any Member thereof respecting the existence of a condition, circumstance or event presenting an imminent danger to persons or Property, wherein such a condition, circumstance or event is not in existence.
- h) **Fire** – means the uncontrolled burning of any flammable or combustible material or any combustible material in a state of combustion.
- i) **Fire Chief** – means a Member of a Fire Department duly appointed by Council from time to time as Head of the Fire Department.
- j) **Fire Department** – means any department established by this Bylaw, or under a Fire Protection Agreement, and includes any person duly appointed to the Fire Department by Council or the Fire Chief from time to time.
- k) **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.
- l) **Fire Hazard** – means any condition, circumstance, or event that increases the possibility and/or probability of fire occurrence.
- m) **Fire Protection** - includes but is not limited to, fire prevention, fire suppression, firefighting, rescue, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development, advising, and responding to a request for fire protection including legitimate emergencies and false alarms.
- n) **Fire Protection Agreement** – means an agreement entered into by the Municipality, with a view to ensuring the prevention and control of fires, with the council of a Town or Municipal District with respect to land within its boundaries or under its control.
- o) **Fire Protection Area** – is defined as the Town of Stavely and is the responsibility of the Stavely Fire Department.
- p) **Incident** – means a fire or situation where an explosion is imminent or any other situation where there is a fire, a danger or a possible danger to life or property.

- q) **Incident Commander** – means a Member of any Fire Department who is responsible for the coordination and execution of overall strategy and fire protection tactics involved in combating an incident.
- r) **Member** – means any person who is a duly appointed member of the Fire Department, including a part-time member, volunteer, or Officer.
- s) **Municipality** – means The Town of Stavely.
- t) **Officer** – means a Member appointed as the Fire Chief or Deputy Fire Chief of a Fire Department and will also include the Regional Fire Coordinator.
- u) **Operational Guidelines** – means the guidelines duly approved by the Municipality that provide the basis for fire protection and rescue services and shall be referred to as OG's.
- v) **Practice** – means a gathering of the Members scheduled by the Fire Chief or designated Officer, and at which training in Fire Protection or rescue operations is conducted.
- w) **Property** – means any real or personal property, which, without limiting the generality of the foregoing, includes land, equipment, products, vehicles and structures.
- x) **Regional Fire Coordinator** – means a Member appointed as the Regional Fire Coordinator for the Willow Creek Regional Fire Service with specified duties, is an Officer and who is a Safety Codes Officer as per the Safety Codes Act, R.S.A. 2000, Chapter S-1, as amended.
- y) **Willow Creek Regional Fire Committee** – may be referred to as the "WCRFC" within this bylaw and means a group of individuals consisting of Municipal elected officials from each of the Fire Protection Areas within the Municipal District of Willow Creek No. 26 who meet on a regular basis to review and guide the activities of the Willow Creek Regional Fire Service.
- z) **Willow Creek Regional Fire Service** – means all Fire Departments and Fire Protection areas as well as all areas within the Municipality where Fire Protection Agreements are in effect, and may be referred to as "WCRFS".

POLICIES AND PROCEDURES

300 FIRE DEPARTMENT

301. The Council hereby establishes the Stavely Fire Department for the purpose of:

- a) preventing and extinguishing Fires;
- b) investigating the cause and origin of Fires;
- c) preserving life and Property and protecting persons and Property from injury or destruction by Fire;

- d) providing rescue services;
- e) preventing, combating and controlling Incidents;
- f) fulfilling obligations under approved Fire Protection Agreements;
- g) operating Apparatus and Equipment for the purpose of extinguishing Fires and preserving life and Property;
- h) providing public education about Fire safety;
- i) carrying out Fire inspections and prevention patrols;
- j) providing initial first response to medical incidents; and
- k) pre-Fire and emergency planning

302 Other Fire Protection activities of the Stavely Fire Department shall include, but are not limited to:

- a) fire prevention;
- b) structural firefighting;
- c) wildland firefighting;
- d) flammable liquid firefighting;
- e) dangerous goods handling
- f) motor vehicle collision rescue;
- g) motor vehicle extrication rescue;
- h) confined space rescue;
- i) trench rescue;
- j) high angle rescue;
- k) water rescue;
- l) ice rescue;

and each shall be performed by the Stavely Fire Department to the level of service adopted by Council by Policy, which level shall not be inconsistent with the legislation and regulations of the Province of Alberta.

303 All Fire Departments within the Municipality shall develop Operational Guidelines which are consistent with this Bylaw and the legislation and regulations of the Province of Alberta.

400 FIRE CHIEF AND APPOINTMENT OF MEMBER

401 The Fire Chief shall be appointed by Council.

402 The Fire Chief shall be responsible to Council.

403 The Fire Chief shall report directly to the Regional Fire Coordinator on all operational and administrative matters, and may be required to report directly to Council as per Council's request.

404 The Council may appoint additional Members to the Fire Department, and in doing so consider the recommendations of the Fire Chief. These Members shall be supervised by the Fire Chief and the other Officers of the Fire Department.

405 The Fire Chief has complete responsibility and authority over his or her respective Fire Department, subject to the policies and bylaws of Council and the WCRFC, to which he or she shall be responsible and in particular, may carry out all Fire Protection activities and such other activities as Council directs including, but not limited to:

- a) rescue
- b) emergency medical services, excepting ambulance services
- c) pre-Fire planning
- d) disaster
- e) preventative patrols

406 The Fire Chief subject to the ratification by the Council by bylaw, may establish rules, regulations, policies and committees necessary for the proper organization and administration of that Fire Department including, but not limited to:

- a) use, care and protection of Fire Department Property;
- b) conduct and discipline of Officers and Members of the Fire Department;
- c) efficient operations of the Fire Department;
- d) training of Officers and Members of the Fire Department;

407 The Fire Chief shall report all fires and Incidents immediately to the Regional Fire Coordinator, with sufficient details to enable the invoicing process to properly occur and to meet the requirements of the Safety Codes Act, R.S.A. 2000, Chapter S-1, as amended.

408 The Fire Chief, or in his or her absence, the designated Member or Officer in charge, shall have control, direction and management of any Fire Department Apparatus, Equipment or manpower, assigned to an Incident and, where a Member is in charge, he or she shall continue to act until relieved by an Officer authorized to do so.

409 The Fire Chief, Regional Fire Coordinator, or the Member in charge, at an Incident 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.

410 The Fire Chief, or Member in charge, at an Incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 408.

411 The Fire Chief, or the Member in charge, at an Incident is empowered to enter to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an Incident, including:

- a) 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;

b) causing a building, structure or thing to be pulled down, demolished or otherwise removed; and

c) 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.

412. The Fire Chief may obtain assistance from other officials of the Municipality as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.

413 The Fire Chief or Incident Commander may order the evacuation of any building or area which is directly or indirectly involved with the Incident.

414. Regulations, rules or policies made pursuant to Section 303 of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.

415. The limits of the jurisdiction of the Fire Chief, Officers and Members of the Fire Department will extend to the area and boundaries of the Municipality and no part of the Fire Apparatus or Equipment shall be used beyond the limits of the jurisdiction without:

- a) The express authorization of a written contract or agreement providing for the supply of Fire Protection outside the Municipality's boundaries; or
- b) the approval of Council.

416. The Fire Chief shall ensure that all Incidents are reported to the Regional Fire Coordinator, and to Council at their request, in the format provided for by the Municipality on a bi-monthly basis, and where fire insurance or motor vehicle collisions are involved in an Incident, the report shall be completed and forwarded by that Fire Chief to the Regional Fire Coordinator on a weekly basis.

417 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 purpose of administering and enforcing this Bylaw.

500 MEMBERS

501 An individual interested in becoming a Member of any Fire Department within the Municipality shall be eligible for consideration if he or she:

- a) is between the ages of eighteen (18) and sixty-five (65) years of age, inclusive subject to 506 and 507;
- b) has met the requirements set out in that Fire Department's Operational Guidelines, and any provincial Occupational Health and Safety program or training;

- c) has completed, or committed to completing, a training program prescribed by the Fire Department's Operational Guidelines, 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;
- d) has been recommended by the Fire Chief of the Fire Department, or by any Officer of the Fire Department, and has received the approval of the majority of that Fire Department's Members following a probationary period; and
- e) has demonstrated that he or she is in a reasonable physical condition to perform the duties requested of the Member by that Fire Department.

502. An individual interested in applying to become a Member of the Fire Department shall supply the Fire Chief of the Fire Department and the Regional Fire Coordinator for the WCRFS with the following information:

- a) a criminal record check report performed by the Royal Canadian Mounted Police Service;
- b) a signed form (attached as Schedule "G") acknowledging their agreement to comply at all times with the requirements of this Bylaw;
- c) a photocopy of a valid Alberta drivers license;
- d) a valid Social Insurance Number;
- e) proof of Canadian citizenship or residency;
- f) a Drivers Abstract generated by the Province of Alberta within the past thirty (30) days; and
- g) any other information deemed necessary by the Fire Chief to establish compliance with the requirements established by the Province and the Municipality.

503. Upon the request of the Fire Chief, and at their discretion, a Member may be required to provide their Fire Department with the information listed in section 502.

504. Members shall at all times:

- a. possess at all times at minimum, a valid Class Five (5) driver's
- b. be supervised by the Fire Chief of the Fire Department and other Officers;
- c. be physically capable of performing Member duties;
- d. be able to communicate with other Members and Officers clearly and precisely, including during Incidents and other stressful situations;
- e. be able to understand and follow oral and written communication guidelines as used within their Fire Department;
- f. participate in programs respecting Fire Protection;
- g. undergo a periodic review by an Officer respecting Fire Protection skills and compliance with Fire Department and WCRFS requirements;
- h. develop knowledge and skills respecting Fire Protection, including the proper operation of Apparatus and equipment;

- i. develop knowledge and skills of the rules and requirements of the Fire Departments and the Municipality;
- j. be able to receive and respond appropriately to fire alarms and other emergency calls; and
- k. skillfully and safely operate and maintain Apparatus and equipment as outlined in the Operational Guidelines of the Fire Department.

505. Each Member shall have the authority and power to:

- a) extinguish or control the Fire or the operations to preserve life and Property and enter onto any Property for the purpose of extinguishing or controlling the Fire;
- b) 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 at or in the vicinity of any Fire.

506. Individuals over the age of sixty-five (65) may continue to serve in specific capacities as approved by the Fire Chief of the respective Fire Department and Council.

507. Individuals under the age of eighteen (18) may assist in specific non-emergency functions with written parental consent to do so, and as approved by the Fire Chief of the respective Fire Department and Council.

508. If a Member's drivers license is suspended for any reason, the Member shall immediately inform the Fire Chief of their respective Fire Department.

600. OFFICERS

601. An Officer is a Fire Chief, a Deputy Fire Chief, and the Regional Fire Coordinator.

602. An Officer shall:

- a) possess all qualifications, skills and attributes of a Member as required by this Bylaw and the legislation and regulations of the Province of Alberta;
- b) as required or upon request, function as an Incident Commander;
- c) ensure that all Fire reports, Incident and accident reports, and any and all other reports required by this Bylaw and the legislation and regulations of the Province of Alberta are completed and submitted in a clear, concise, and timely manner;
- d) ensure that any and all reporting requirements under the Municipality's Fire Safety Quality Management Plan and Fire Department Operational guidelines are completed and submitted in a clear, concise, and timely manner;
- e) assist the Fire Chief in establishing rules, requirements, policies and procedures for the efficient and safe operation of that Fire Department;
- f) organize and assume responsibility for Fire Protection resources, Apparatus and Equipment, as required;

- g) provide leadership to Members and develop and implement long-range plans and programs for their Fire Department and the WCRFS;
- h) assist the Fire Chief in maintaining a liaison with federal and provincial governments and the government of the Municipality on matters relating to their Fire Department;
- i) establish and maintain effective working relationships with the Members of their Fire Department, other Fire Departments within the Municipality, the WCRFS, the Royal Canadian Mounted Police, any other regional police service, and the public;
- j) maintain discipline and morale; and
- k) exercise sound judgment and cooperate with others.

603. During a fire or an incident, an Officer shall have the authority and power to commandeer Apparatus and equipment for the purposes of fighting a fire or responding to an incident.

700 FIRE PROTECTION CHARGES

701. Upon providing Fire Protection on Property within or outside the Municipality's boundaries, the Municipality may in its sole and absolute discretion charge:

- a) the person causing or contributing to the Fire; or
- b) the owner or occupant of the Property;
- c) a Fire Protection Charge and all individuals charged are jointly and severally responsible for the Fire Protection Charge;

702. The schedule of fees for Fire Protection Charges shall be as set out in Schedule "D" attached hereto and forming part of this Bylaw.

703. A Fire Protection Charge shall be paid within thirty (30) days of being levied.

704. Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction and any civil action does not invalidate any lien which the Municipality is entitled to on the Property in respect of which the indebtedness is incurred.

705. The owner of a parcel to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Municipality may add to the tax roll of a parcel of land all unpaid Fire Protection Charges and interest charges accrued one hundred and twenty (120) days after the Fire Protection Charge has been levied.

706. Every person who has been levied a Fire Protection Charge may request, in writing, that Council review the Fire Protection Charge and provide written reasons for why the Fire Protection Charge should be reviewed no later than 14 days after receiving notice of the Fire Protection Charge. After reviewing the

Fire Protection Charge, Council may uphold, rescind or vary the Fire Protection Charge and any terms imposed therein.

800 TRAINING

801. The Fire Chief will schedule at least twenty (20) practices annually.

802. Each Member is required to attend a minimum of twelve (12) Practices annually except where specifically defined in Operational Guidelines.

803. Practices will commence at a date and time set by the Fire Chief or his designate.

804. The Fire Chief will be responsible for the development and implementation of a training and education program for Members of the Fire Department.

805. The training and education program shall include but is not restricted to, training that meets the "level of service" adopted by the Municipality as policy.

806. The Fire Chief, Officers and all Members of the Willow Creek Regional Fire Service are expected to stay current with all aspects of the department operations and be properly trained to meet the expectations of their respective positions.

807. The Fire Chief shall be responsible for the completion and maintenance of accurate and complete training records for each Member within his Fire Department.

808. The level of service adopted by the Municipality is noted under separate policy.

900 REIMBURSEMENT AND REMUNERATION

901. Initial costs for new or prospective members to the Fire Department involving drivers abstract, complete physical, eye test, criminal record check and current drivers license abstract shall be the responsibility of the applicant.

902. Hearing tests and future costs of physical examinations as required by the department will be paid for by the Willow Creek Regional Fire Service.

903. The Municipality will reimburse any approved Member for the cost of obtaining a drivers abstract when the abstract is requested by the Fire Chief or Municipality.

904. Fire Departments will receive remuneration for their services and the services provided by Members according to the funding agreement established by the Municipality according to policy.

1000 BUDGET

1001 The Fire Chief shall be required to submit to the Willow Creek Regional Fire Committee and the Town of Stavely, a proposed budget on a yearly basis.

1002. The budget will indicate all anticipated revenues and proposed expenditures, both capital and operating. The budget will also include the formula to be used for the remuneration of Members for their service.

1003. The budget shall be completed and delivered to the Fire Committee and Town of Stavely Administrator no later than the 30th day of November of the year preceding the new budget request.

1004. No Member of any Fire Department will pledge the credit of the Municipality without express prior approval of the Administrator.

1005. Property and Equipment purchased by the Municipality remains the property of the Municipality and shall not be used for purposes not approved by the Operational Guidelines or applicable policy.

1006. When emergency Equipment has been purchased with funds derived through the fundraising efforts of the Members, the Equipment will become the property of the insuring Municipality upon the approval of Council and the Municipality will be responsible for the costs of maintaining, repairing, and insuring the Equipment.

1007 In the event of joint ownership of Equipment between two or more municipalities, a separate agreement shall be signed specifying all financial and/or ownership interests and responsibilities.

1008. Equipment denoted in Section 1006 will remain with the department which raised the funds unless the Equipment is replaced, sold or disposed of after consultation between the Municipality and the Members of the affected Fire Department.

1100 PROTECTIVE EQUIPMENT

1101 All protective Equipment issued to a Member remains the property of the Municipality.

1102 All protective clothing issued to the Member will be returned to the Fire Chief upon the Members resignation, suspension, retirement, or commencement of leave.

1103 The Fire Department will repair all protective clothing in disrepair, and the Member will advise the Fire Chief of any disrepair.

1104 All protective Equipment issued by the Fire Department will meet the requirements of the Occupational Health and Safety Act, R.S.A. 200, Chapter O-2, as amended, when initially purchased.

1105 The Fire Chief will monitor replacement and maintenance of protective Equipment, and budget for the same.

1200 TERMINATION OF MEMBERS

1201 The Council with jurisdiction for a Fire Department, in accordance with the applicable policies of the Municipality, may terminate the Fire Chief of a Fire Department for cause.

1202 The Fire Chief of a Fire Department, in accordance with the applicable policies of the Municipality, may terminate any Member or Officer of a Fire Department for cause. The Regional Fire Coordinator and Council shall be notified immediately of such termination.

1203 Any and all documentation in support of the termination of a Member or Officer shall immediately be forwarded to the Regional Fire Coordinator, and Council.

1204 In the event of such termination, all Fire Department uniforms, protective equipment, apparatus and other articles belonging to the Fire Department shall immediately be returned to the Fire Department by the terminated individual.

1205 If any and all uniforms, equipment, apparatus and other articles are not immediately returned to the Fire Department upon termination, the Fire Department may take actions to recover the costs of the items from the terminated individual.

1206 There shall be zero tolerance by a Fire Department, the WCRFC and the WCRFS for alcohol consumption at any time by any Member or Officer when on duty, when attending and Incident, or at any time when Members or Officers are operating apparatus or equipment. Any violation of this section shall be grounds by the Fire Department for termination for cause.

1300 INSURANCE

1301 The Municipality will provide general comprehensive liability, life and disability insurance for the Fire Departments and all their Members while on duty, at no charge to the Members.

1400 INDEMNITY

1401 The WCRFC, the Regional Fire Coordinator, a Fire Chief, Officers, and Members of a Fire Department 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 duties, functions, or powers unless the circumstances constitute dishonesty, gross negligence or willful misconduct.

1500 GENERAL

1501 Should any section or part of this Bylaw be found to be improperly enacted, or outside the Municipality's jurisdiction, for any reason, then such

section or part will be regarded as being severed and the remaining sections will remain effective and enforceable.

1502 This Bylaw will function in conjunction with the "Burning Bylaw", Operational Guidelines, and the Occupational Health and Safety program.

1503 Where the singular and/or masculine are herein used, the plural and feminine should also be inferred where appropriate.

1504 Bylaw 533 is hereby repealed.

Read a first time this 28th day of January, 2008.

.....*Barry Johnson*.....
Mayor

.....*Sheyl Dath*.....
Municipal Administrator

Read a second time this ²⁵..... day of February, 2008.

Read a third time this ²⁵..... day of February, 2008.

.....*Barry Johnson*.....
Mayor

.....*Sheyl Dath*.....
Municipal Administrator