

BYLAW 68-2000

A BYLAW OF STRATHCONA COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING FIRE AND AMBULANCE SERVICES IN AND FOR STRATHCONA COUNTY.

WHEREAS the Municipal Government Act, S.A. 1994 c. M-26.1, as amended (hereinafter referred to as "the Act"), 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 WHEREAS the Forest and Prairie Protection Act, R.S.A., 1980, Chapter F-14, as amended, provides certain additional powers which may be enacted by the Council of a Municipality so that it can enforce the provisions of the said Forest and Prairie Protection Act within the boundaries of the Municipality;

AND WHEREAS the Council of Strathcona County wishes to establish a fire service and an ambulance service within the County and to provide for efficient operation of such a fire service and ambulance service;

NOW THEREFORE the Council of Strathcona County, of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - NAME OF BYLAW

- 1.1 This Bylaw may be cited as "The Emergency Services Bylaw".

SECTION 2 - DEFINITIONS

- 2.1 In this Bylaw:

- (a) "Council" means the Council of Strathcona County;
- (b) "County" means Strathcona County;
- (c) "County Constable" means a Member of the County Emergency Services who has been appointed by the Mayor or Chief Commissioner of the County to enforce the provisions of the Bylaw;
- (d) "Dangerous Goods" means any product, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the Dangerous Goods Transportation & Handling Act, S.A. 1998, c. D-3.5, as amended;
- (e) "Emergency Unit" means an ambulance, a fire truck, pumper truck, rescue truck, brush truck, dangerous goods unit or tanker;
- (f) "False Alarm" means any fire alarm that is set out needlessly, through wilful or accidental, human or mechanical error, and to which Emergency Services responds;
- (g) "Fees and Charges Bylaw" means Strathcona County's Fees and Charges Bylaw 102-99 as amended or replaced from time to time;

- (h) "Manager, Emergency Services," is the Manager of Emergency Services for Strathcona County and performs the duties and responsibilities of a fire chief;
- (i) "Emergency Services" means Emergency Services as established and organized for the County pursuant to the provisions of this Bylaw consisting of, *inter alia*, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of Emergency Services, including fire stations;
- (j) "Fire Guardian" means the Mayor, the Chief Commissioner, each Member of Emergency Services and each Member of the Council or such other persons as Council shall appoint to perform such functions as are set forth in this Bylaw;
- (k) "Fire Permit Application" shall mean an application form prescribed by Emergency Services for the purposes of applying for a Fire Permit;
- (l) "Terms and Conditions" shall mean those Terms and Conditions prescribed by Emergency Services and which shall be and form part of the Fire Permit Application and the Fire Permit;
- (m) "Fire Permit" shall mean a Fire Permit in a form prescribed by Emergency Services;
- (n) "Hamlet" means a hamlet as defined in the Act;
- (o) "Incident" means a fire or a situation where an explosion is imminent or any other situation where there is a danger or a possible danger to life or property and to which Emergency Services has responded;
- (p) "Incinerator Fire" means a fire that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size not larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, which fire is set for the purpose of burning household refuse, excepting plastic products;
- (q) "Member" means any person who is a duly appointed Member of Emergency Services, including a Part-time Member;
- (r) "Open Fire" shall mean any Fire which is not an Incinerator Fire, Pit Fire, Public Park Site Fire and Smudge Fire, and which, without limiting the generality of the foregoing shall include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;
- (s) "Part-time Member" means:

- (i) a person who is a duly appointed Member of Emergency Services and who receives remuneration for his or her services at a rate of pay established by Council;
- (ii) a person who is a duly appointed Member of Emergency Services and who has advised the County in writing that he or she is willing to gratuitously perform his functions under this Bylaw;
- (t) "Pit Fire" means a fire which is totally confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fuelled with dry wood, charcoal, coal, natural gas or propane.
- (u) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors;
- (v) "Public Park Site Fire" means a fire on land owned or leased by the County or its agents for recreational purposes and is confined to a non-combustible container supplied by the County, as approved by a Fire Guardian, or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fuelled with dry wood, charcoal, coal, natural gas or propane;
- (w) "Running Fire" means a fire burning without being under the proper or any control of any person;
- (x) "Smudge Fire" means a fire confined within a non-combustible structure or container that is set on land of two (2) acres or more in area, for the purpose of protecting livestock from insects or for protecting garden plants from frost;
- (y) "Violation Tag" means a tag or similar document issued by the County pursuant to the Act;
- (z) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, as amended, and Regulations thereunder.

SECTION 3 - EMERGENCY SERVICES

3.1 The Council does hereby establish Emergency Services, for the purpose of:

- (a) preventing and extinguishing fires;
- (b) investigating the cause of fires;
- (c) preserving life and property and protecting persons and property from injury or destruction by fire;

- (d) providing rescue, ambulance and emergency medical services;
- (e) preventing prairie or running fires and enforcing the provisions of the Forest and Prairie Protection Act;
- (f) preventing, combating and controlling incidents;
- (g) carrying out preventable patrols;
- (h) entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
- (i) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property.

3.2 Emergency Services is hereby authorized to control and mitigate incidents involving Dangerous Goods.

SECTION 4 - MANAGER, EMERGENCY SERVICES

- 4.1 The Manager, Emergency Services, shall be appointed by Council upon the recommendation of the Chief Commissioner of the County.
- 4.2 The Manager, Emergency Services, shall be responsible to the Council through the Chief Commissioner and Associate Commissioner, Operations of the County.
- 4.3 The Manager, Emergency Services, has complete responsibility and authority over Emergency Services, subject to the direction of Council, and shall, upon approval of Council, prescribe rules, regulations and policies for the ongoing organization and administration of Emergency Services, including but not limited to:
 - (a) the use, care and protection of Emergency Services property;
 - (b) the appointment, recruitment, conduct, discipline, duties and responsibilities of the Members;
 - (c) the efficient operation of Emergency Services;
- 4.4 Regulations, rules or policies made pursuant to Section 4.3 of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 4.5 The Manager, Emergency Services, shall:
 - (a) upon approval of the Council, purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance and administration of Emergency Services to be used in connection therewith;
 - (b) keep or cause to be kept, in proper form, records of all business transactions of Emergency Services, including the purchase or acquisition of equipment, apparatus, materials or supplies and records of fires attended, actions taken in extinguishing fires, inspections carried out and actions taken

on account of inspections and any other records incidental to the operation of Emergency Services;

- (c) upon approval of the Council, negotiate on behalf of the Council, with the Provincial Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements with recommendations and concerns regarding the establishing or renewing of any mutual aid agreement or fire control agreement or amendments thereto;
 - (d) perform such functions and have such powers and responsibilities as Council may from time to time prescribe.
- 4.6 The Manager, Emergency Services, 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.
- 4.7 The Manager, Emergency Services, or any other Member in charge at an incident, is empowered to cause Emergency Services to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the incident in whatever manner he deems necessary.

SECTION 5 - AMBULANCE SERVICES

- 5.1 All Emergency Services equipment used for ambulance and emergency medical services shall be equipped and operated in accordance with the legislation and regulations of the Province of Alberta.
- 5.2 (a) Except as otherwise herein provided, after the County has commenced to provide ambulance service pursuant to this Bylaw and has so notified licensed ambulance operators, no other person shall operate a commercial ambulance in the County.
- (b) The County shall by notice in writing to each of the licensed ambulance operators announce the effective date of the prohibition contained in Subsection (1).
- (c) Notwithstanding the provisions of this Section, the Crown in the Right of Canada or of the Province of Alberta may operate a commercial ambulance.
- 5.3 This Bylaw does not apply to:
- (a) A private ambulance used exclusively by employees of the owner or operator of the ambulance;
 - (b) A transfer ambulance or ambulances owned or contracted by a hospital district, hospitals or nursing homes.
- 5.4 This Bylaw shall not be read so as to prohibit an ambulance service located outside the County from bringing persons to any location within the County.

- 5.5 Notwithstanding anything contained in this Bylaw, in event of any emergency conditions including a disaster, strike, lockout, or other similar event, preventing the County or limiting it with respect to providing service, the Council may provide ambulance service or authorize other persons to provide ambulance service or both until such time as the County is capable of providing full service to the County.

SECTION 6 - FIRE GUARDIANS

- 6.1 Each duly appointed Member is a Fire Guardian by virtue of his or her appointment as a Member of Emergency Services.

SECTION 7 - POWERS OF FIRE GUARDIANS

- 7.1 Each Fire Guardian shall be given access at reasonable hours, to both public and private places, for the purpose of inspecting the premises to ascertain whether the same constitutes or is likely to constitute a fire hazard.
- 7.2 Each Fire Guardian shall have the authority and power to:
- (a) require any able-bodied adult person, who is not exempt by the regulations of the Forest and Prairie Protection Act 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 purpose of fighting a fire;
 - (c) enter a closed area under the Forest and Prairie Protection Act without a permit or written permission of a forest officer, subject only to the regulations of the Forest and Prairie Protection Act;
 - (d) obtain from every person found on public land or leaving or entering public land that person's name, address and an account of his activities and the route or the activities he proposes to carry out and the route he intends to follow on the public land;
 - (e) enter into a Fire Permit Application Agreement on behalf of the County and issue a Fire Permit in respect of any land within the County;
 - (f) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian, in his discretion, considers appropriate;
 - (g) suspend or cancel, at any time, a Fire Permit;
 - (h) without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging his duties under this Bylaw or the Forest and Prairie Protection Act;
 - (i) without a warrant enter any private dwelling house which is on fire and proceed to extinguish the fire or to prevent the spread thereof;

- (j) direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
- (k) 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.

SECTION 8 - CONTROL OF FIRE HAZARDS

- 8.1 If the County finds within its Municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the County.
- 8.2 When the County finds that the order it made pursuant to Section 8.1 has not been carried out the County may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- 8.3 The Owner or the person in control of the land on which work was performed pursuant to Section 8.2 shall on demand reimburse the County for the cost of the work performed and in default of payment the County has a lien for the amount against the land and improvements on it.

SECTION 9 - REQUIREMENT TO REPORT

- 9.1 The Owner or his authorized agent of any property damaged by fire shall immediately report to Emergency Services particulars of the fires which are satisfactory to the Manager, Emergency Services.
- 9.2 The Owner or his authorized agent of any property containing a Dangerous Good(s) product which sustains an accidental or unplanned release of the Dangerous Good(s) product shall immediately report to Emergency Services particulars of the release which are satisfactory to the Manager, Emergency Services.

SECTION 10 - FIRE PERMIT

- 10.1 No person shall permit an Open Fire or Incinerator Fire upon land owned or occupied by him or under his control within the County except when he is the holder of a subsisting Fire Permit issued pursuant to this Bylaw, unless:
 - (a) the fire has been set by Emergency Services for the purpose of training; or
 - (b) the fire is a Public Park Site Fire.
- 10.2 No person shall permit an Open Fire or Incinerator Fire upon land owned or occupied by him or under his control within a Hamlet, unless:
 - (a) the fire has been set by Emergency Services for the purpose of training; or

- (b) the fire is a Public Park Site Fire; or
 - (c) the fire has otherwise been authorized by Emergency Services.
- 10.3 Any person wishing to obtain a Fire Permit must complete a Fire Permit Application and submit the completed Application to Emergency Services.
- 10.4 Upon receipt of a completed Fire Permit Application the Fire Guardian shall consider the Fire Permit Application, and may, in his sole and absolute discretion:
- (a) refuse to grant a Fire Permit;
 - (b) grant a Fire Permit;
 - (c) grant a Fire Permit upon such additional terms and conditions as Emergency Services deems appropriate.
- 10.5 A Fire Permit shall not be transferable.
- 10.6 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian and the Fire Permit shall have endorsed therein the period of time for which the said Permit is valid.
- 10.7 A Fire Guardian may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.
- 10.8 A Fire Guardian may, in his sole and absolute discretion, terminate a Fire Permit Application and suspend or cancel a Fire Permit at any time.
- 10.9 Each Fire Permit Application and Fire Permit must contain the following information:
- (a) the name, address and telephone number of the applicant;
 - (b) the reason Fire Permit is required;
 - (c) the legal description of the land on which the applicant proposes to set a fire;
 - (d) location of fire;
 - (e) the type and description of material which the applicant proposes to burn;
 - (f) the period of time for which the Fire Permit is valid;
 - (g) the additional terms and conditions, if any, that must be taken by the applicant to ensure that the proposed fire remains under his control;
 - (h) an acknowledgement by the applicant that the applicant has read and agrees to comply with the Terms and Conditions as set out on the Fire Permit Application and Fire Permit.

SECTION 11 - RECOVERY OF COSTS

- 11.1 Where Emergency Services has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within or outside the County or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside the County, including any such action taken by Emergency Services on a false alarm, the Manager, Emergency Services, may, in respect of any costs incurred by Emergency Services in taking such action, charge any costs so incurred by Emergency Services to the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
- 11.2 The schedule of costs and fees to be charged by Emergency Services for services rendered pursuant to this Bylaw shall be as set out in Strathcona County Fee and Charges Bylaw.
- 11.3 In respect of the costs or fees described in Sections 11.1 and 11.2:
- (a) the County may recover such cost or fee as a debt due and owing to the County; or,
 - (b) in the case of action taken by Emergency Services in respect of land within the County, where the cost or fee is not paid upon demand by the County, then in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land.

SECTION 12 - OFFENCES

- 12.1 Any person who ignites, fuels, supervises, maintains or permits an Open Fire or Incinerator Fire within the municipal boundaries of Strathcona County without a valid Fire Permit as required by this Bylaw is guilty of an offence, unless;
- (a) the fire is a Smudge Fire confined within a non-combustible structure or container that is set on land of two (2) acres or more in area, for the purpose of protecting livestock from insects or for protecting garden plants from frost;
 - (b) the fire has been set by the Emergency Services for the purpose of training ;
 - (c) the fire is a Public Park Site Fire; or
 - (d) the fire has otherwise been authorized by Emergency Services.
- 12.2 When a fire is lit under the circumstances described in Section 12.1 when such fire is not permitted pursuant to this Bylaw the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
- (a) extinguish the fire immediately; or
 - (b) where he is unable to extinguish the fire immediately, report the fire to Emergency Services.

- 12.3 No person shall, either directly or indirectly personally or through an agent, servant or employee kindle a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- 12.4 No person shall:
- (a) light an Open Fire, Incinerator Fire, Pit Fire or Smudge Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
 - (b) **light an Incinerator Fire for the purpose of burning household refuse on a parcel of five (5) acres or less;**
 - (c) light an Open Fire, Incinerator Fire, Pit Fire or Smudge Fire when the weather conditions are conducive to creating a Running Fire;
 - (c) place a Pit Fire less than 3.0 metres from any structure including but not limited to a fence, deck, garage, shed, or house;
 - (d) burn in a Pit Fire garbage, leaves, straw, painted wood, treated construction materials and items made of or containing rubber, plastic, tar or any materials deemed for disposal other than burning for the purpose of cooking or obtaining warmth;
 - (e) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his own;
 - (f) deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire;
 - (g) conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring;
 - (h) provide false, incomplete or misleading information to the County or to Emergency Services on or with respect to the Fire Permit Application;
 - (i) interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property;
 - (j) interfere with the operation of any Emergency Services equipment or apparatus required to extinguish fires or preserve life or property;
 - (k) damage or destroy Emergency Services property;
 - (l) falsely represent himself as an Emergency Services Member or wear or display any Emergency Services badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

12.5 No person shall use a fire to burn:

- (a) manure;
- (b) livestock or other animal carcasses;
- (c) material that will result in the production of dense black smoke including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, household plastics, rubber materials or creosote wood;
- (d) herbicides, pesticides or any other toxic material or substance.

12.6 Nothing in this Bylaw shall be deemed to authorize any fire, burning or other act which is in contravention of the Environmental Protection and Enhancement Act, S.A. 1992, c. E-13.3 and amendments thereto, or any regulation made thereunder, and in the event of any conflict between the provisions of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

SECTION 13 - PENALTIES

13.1 A person who contravenes or fails to comply with any condition in a permit or with any order or request directed to him pursuant to this Bylaw is guilty of an offence and liable:

- (a) if the offence is a contravention of Section 12.4 (f) of this Bylaw, to a fine of not less than \$25.00 and not more than \$300.00;
- (b) if the offence is a contravention of any other section of this Bylaw, to a fine of not less than \$100.00 and not more than \$1,000.00.

13.2 Notwithstanding Section 13.1, any person who contravenes Section 5.2 of this Bylaw is guilty of an offence and liable to a fine of \$2,500.00.

13.3 A County Constable is hereby authorized and empowered to issue a Violation Tag to any person who the County Constable has reasonable and probable grounds to believe has contravened any provision of this Bylaw;

A Violation Tag may be issued to such person:

- (a) either personally; or
- (b) by mailing a copy to such person at his last known post office address.

13.4 The Violation Tag shall be in a form approved by the County and shall state:

- (a) the name of the person;
- (b) the offence;

- (c) the appropriate penalty for the offence as specified in 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 County.
- 13.5 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the County Constable, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 13.6 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County Treasurer the penalty specified on the Violation Tag.
- 13.7 Nothing in this Bylaw shall prevent a County Constable from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

SECTION 14 - VIOLATION TICKET

- 14.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a County Constable is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5., as amended.

SECTION 15 - SEVERABILITY

- 15.1 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 16 - REPEAL

- 16.1 This Bylaw shall repeal Bylaw 8-96.

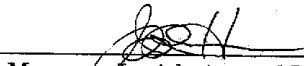
READ a first time this 12 day of September, A.D. 2000;

READ a second time this 12 day of September, A.D. 2000;

READ a third time and finally passed this 12 day of September, A.D. 2000.



Mayor



Manager, Legislative and Legal Services

Date signed: Sept. 15, 2000