

Town of Mayerthorpe  
Province of Alberta  
Canada.

**BYLAW # 954**

**A BYLAW OF THE TOWN OF MAYERTHORPE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING FIRE PROTECTION SERVICES AND THE RECOVERY OF FIRE PROTECTION SERVICE COSTS**

**WHEREAS** the *Municipal Government Act* R.S.A. 2000 c. M-26, as amended, 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 *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended provides that a municipality may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing Fires;

**AND WHEREAS** the Council for the Town of Mayerthorpe wishes to regulate the use and setting of Fires within the Town;

**AND WHEREAS** the Council for the Town of Mayerthorpe wishes to establish and provide for the efficient operation of Fire Protection Services including the recovery of Fire Protection Service Costs;

**THEREFORE** The Council of the Town of Mayerthorpe, 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 the Bylaw, the following terms shall have the meanings prescribed:

- 2.1.1 "**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 Members or supplies";
- 2.1.2 "**CAO or Chief Administrative Officer**" means the individual appointed by Council to the position of CAO for the Town in accordance with the *Municipal Government Act*, R.S.A. 2000, c. M-26, Section 205;
- 2.1.3 "**Captain**" means the fourth ranking Officer and is in charge of a team.
- 2.1.4 "**Corporate Registry**" means the authority having jurisdictions in the Province of Alberta to register corporations;
- 2.1.5 "**Council**" means the elected Council of the Town of Mayerthorpe;
- 2.1.6 "**Designated Officer**" means the Fire Chief or his delegate;
- 2.1.7 "**Equipment**" means any tools, contrivances, devices and materials used by the Fire Department to combat an Incident or other emergency;
- 2.1.8 "**Enforcement Officer**" means a Community Peace Officer, Bylaw Enforcement Officer, or other individual appointed by the Town with respect to the enforcement of bylaws of the Town of Mayerthorpe and authorized to issue Violation Tickets pursuant to Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000, c. P-34. All Enforcement Officers are designated officers within the meaning of the *Municipal Government Act* R.S.A. 2000 c. M-26, as amended, for the purposes of enforcing the provisions of this Bylaw;
- 2.1.9 "**Environmental Protection and Enhancement Act**", means the *Environmental Protection and Enhancement Act* R.S.A. 2000, c. E-12, as amended, and regulations there under;
- 2.1.10 "**False Alarm**" means any notification to the Fire Department or any Member thereof including signals from a Fire alarm system 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;

- 2.1.11 "Fire"** means the burning of any flammable or combustible material in a state of combustion;
- 2.1.12 "Fire Chief"** means the Member of the Fire Department who is appointed as the head of the Fire Department by Council;
- 2.1.13 "Fire Department"** means any Fire department established by Council pursuant to this Bylaw and includes any person duly appointed to the Fire Department by the Fire Chief from time to time;
- 2.1.14 "Fire Department Property"** means all property owned or controlled by or designated for use by the Fire Department, regardless of the source of the property;
- 2.1.15 "Fire Hazard"** means any condition, circumstance, or event that increases the possibility and/or probability of Fire occurrence;
- 2.1.16 "Fire Permit"** means a permit issued pursuant to Section 10 of this Bylaw;
- 2.1.17 "Fire Pit"** means an outdoor receptacle acceptable that meets the following specifications:
- 2.1.17.1** A minimum of three (3) metre clearance, measured from the nearest Fire Pit edge is maintained from buildings, property lines, or other combustible material;
  - 2.1.17.2** The Fire Pit height does not exceed 0.6 metre when measured from the surrounding grade to the top of the pit opening;
  - 2.1.17.3** The Fire Pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;
  - 2.1.17.4** The Fire Pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;
  - 2.1.17.5** A spark arrester mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the Fire Pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks,
  - 2.1.17.6** The Fire Pit is not located over any underground utilities or under any aboveground wires, and
  - 2.1.17.7** Is otherwise acceptable to the Fire Chief.
- 2.1.18 "Fire Protection Agreement"** means an agreement entered into by the Town with another municipality or entity, with a view to ensuring the prevention and control of Fires, with respect to land within the Town's boundaries or under the Town's control and/or another municipality's boundaries or control;
- 2.1.19 "Fire Protection Services"** means all aspects of Fire safety including but not limited to, Fire prevention, Fire suppression, Firefighting, rescue, pre-Fire planning, public education and information, training or other staff development, advising, and responding to a request for Fire protection, including legitimate emergencies and False Alarms;
- 2.1.20 "Fire Protection Charge"** means the charges and fees payable pursuant to Section 9 of this Bylaw;
- 2.1.21 "Incident"** means a Fire or a situation where a Fire or explosion is imminent or any other situation where there is a danger or possible danger to life or Property, or a need for medical assistance;
- 2.1.22 "Incident Commander"** means the Member of the Fire Department who is responsible for the coordination and execution of overall strategy and Fire protection tactics involved in combating an Incident;
- 2.1.23 "Incinerator Fire"** means a Fire for the purpose of burning household refuse, except plastics, that is confined within a non-combustible structure or container that has its draft and smoke vents covered by a heavy gauge metal screen having a mesh size not larger than 6 millimeters or which is ventilated in such a manner as to preclude the escape of combustible materials and a minimum of 30 meters from any structure or standing timber;
- 2.1.24 "Member"** means any person who is duly appointed by the Fire Chief as a member of the Fire Department including the Fire Chief, an Officer and volunteer Fire fighter;

**2.1.25 "Municipal Government Act or MGA"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;

**2.1.26 "Officer"** means a Member duly appointed as the Fire Chief, Deputy Fire Chief, Captain or other such position having a supervisory role within the Fire Department;

**2.1.27 "Outdoor Fireplace"** means a receptacle that meets the following specifications:

**2.1.27.1** A minimum of 1 metre clearance measured from the nearest Fireplace edge is maintained from buildings, property lines, or other combustible material;

**2.1.27.2** The Fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;

**2.1.27.3** The Fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the Fire burning area;

**2.1.27.4** The Fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks; maximum 1.25 cm (1.2 inch) holes.

**2.1.27.5** The base of the Fire burning area is not less than 0.3 metres above the surrounding grade;

**2.1.27.6** The Fire chamber does not exceed 1.25 metres in width, and is at least 0.4 metres but not more than 0.6 metres in depth; and

**2.1.27.7** Is otherwise acceptable to the Fire Chief.

**2.1.28 "Person"** means any individual, body corporate, partnership or other type of legal entity whatsoever;

**2.1.29 "Practice"** means a gathering of the Members scheduled by the Fire Chief or designated Officer, and at which training in Fire Protection Services is conducted;

**2.1.30 "Property"** means any real or personal property, which, without limiting the generality of the foregoing, includes land, equipment, products, vehicles and structures;

**2.1.31 "Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P34, as amended;

**2.1.32 "Recreational Fire"** means an outdoor Fire for recreational purposes and is confined to a non-combustible container, such as a Fire Pit or Outdoor Fireplace, as approved by the Fire Chief, which is set for the purpose of cooking, obtaining warmth or viewing for pleasure. Such Fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane, Recreational Fires will not be permitted between the hours of 11:00 p.m. and 7:00 a.m., excepting those Recreational Fires at the Town owned campground, upon the discretion of the campground manager;

**2.1.33 "Running Fire"** means a Fire burning without being under the proper or any control of a person;

**2.1.34 "Safety Codes Act"** means the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended;

**2.1.35 "Standard Operating Guidelines"** means the Standard Operating Guidelines for the Fire Department as developed by the Fire Chief pursuant to the Safety Codes Act.;

**2.1.36 "Traffic Safety Act"**, means the *Traffic Safety Act*,<sup>7</sup> R.S.A. 2000 c. T-6, as amended;

**2.1.37 "Town"** means the Town of Mayerthorpe;

**2.1.38 "Town Office"** means the administrative office for the Town.

### **SECTION 3 FIRE DEPARTMENT**

**3.1** Council hereby establishes the Fire Department for the following purposes:

**3.1.1** Providing Fire Protection Services;

**3.1.2** Preventing, combating and extinguishing Fires and Incidents;

- 3.1.3 Arrange for investigating the cause and origin of Fires and Incidents;
- 3.1.4 Preserving life and Property and protecting persons and Property from injury or destruction by Fire or Incident;
- 3.1.5 Operating Apparatus and Equipment for the purpose of extinguishing Fires or Incidents and preserving life and Property;
- 3.1.6 Fulfilling obligations under approved Fire Protection Agreements;
- 3.1.7 Providing public education about Fire safety;
- 3.1.8 Arrange for Fire inspections and prevention patrols;
- 3.1.9 Pre-Fire and emergency planning and Practice;
- 3.1.10 Providing initial first response to medical incidents; and
- 3.1.11 Providing rescue and first responder services.

Each of the above purposes shall be performed by the Fire Department to the level of service adopted by Council in its applicable policies and guidelines including the Fire Department's Standard Operating Guidelines, which shall not be inconsistent with the legislation and regulation of the Province of Alberta.

#### **SECTION 4 FIRE CHIEF APPOINTMENT AND DUTIES**

- 4.1 The Fire Chief shall be appointed by Council.
- 4.2 The Fire Chief is a Member of the Fire Department.
- 4.3 The Fire Chief shall be responsible to the CAO and shall report directly to the CAO on all operational and administrative matters, and may be required to report directly to the CAO on a monthly basis.
- 4.4 The Fire Chief shall immediately notify the authority having jurisdiction of all Fires where dollar loss, injury or death has occurred or where the Fire is suspected to be incendiary in nature, and report all Fires and Incidents within five days after completing response to said Fires and Incidents to the CAO, with sufficient details to enable the invoicing process to properly occur and to meet the requirements of the *Safety Codes Act*.
- 4.5 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the CAO, to which he or she shall be responsible. In particular, the Fire Chief may direct the Fire Department and its Members to carry out all Fire Protection Service activities and such other activities as the CAO directs, including but not limited to:
  - 4.4.1 Pre-Fire planning;
  - 4.4.2 Preventative Patrols;
  - 4.4.3 Fire suppression activities;
  - 4.4.4 Emergency medical services, excepting ambulance services;
  - 4.4.5 Rescue operations;
  - 4.4.6 Disaster relief;
  - 4.4.7 Practice and Member training; and
  - 4.4.8 Issuance of Fire Permits in accordance with Section 10 of this Bylaw.

#### **SECTION 5 POWERS OF FIRE CHIEF**

- 5.1 The Fire Chief may establish rules, regulations, policies approved by Council and committees.
- 5.2 The Fire Chief may obtain assistance from other Town officials and employees as he/she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.

#### **SECTION 6 POWERS OF INCIDENT COMMANDERS**

- 6.1 The Incident Commander shall have control, direction and management of any Members, Fire Department Property, Apparatus, Equipment or manpower assigned to an Incident and he/she shall continue to act until relieved by an Officer authorized to do so.
- 6.2 The Incident Commander may at his/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/her.
- 6.3 The Incident Commander may request Enforcement Officers to enforce restrictions on