

**TOWN OF HIGH RIVER
ALBERTA
BY-LAW NO. 3926/98**

Being a By-law of the Town of High River, in the Province of Alberta, to provide for the establishment and operation of a Fire Department.

WHEREAS

The Town of High River deems it necessary to pass a by-law for the establishment and operation of a fire department.

AND WHEREAS

Pursuant to Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1994 and amendments thereto, the Town of High River is authorized to pass by-laws for municipal purposes respecting the safety, health and welfare of the people and protection of people and property and, when applicable, the charging of fees for various services provided by the Fire Department.

**NOW
THEREFORE**

The Council of the Town of High River, in the Province of Alberta, duly assembled enacts as follows:

1. NAME

1.1 This By-law may be cited as "The Fire By-law".

2. DEFINITIONS

2.1 "Apparatus" means any vehicle provided with devices, machinery, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

2.2 "Council" means the Council of the Town of High River.

2.3 "Department" means the High River Fire Department.

2.4 "Deputy Fire Chief" means the Deputy Fire Chief of the Town of High River as appointed by the Fire Chief.

2.5 "Equipment" means any tools, contrivances, devices or materials used by the Fire Department.

2.6 "Fire Chief" means the member appointed by the Town Manager as head of the Fire Department and appointed to carry out the provisions of this by-law.

2.7 "Fire Permit" means a permit issued by the Fire Chief pursuant to this by-law allowing for the setting of outdoor fires.

2.8 "Fire Protection" means all aspects of fire safety including, but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

2.9 "Incident" means a fire, a situation where fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property or a medical assist in the event of a medical emergency to which the Fire Department has responded.

2.10 "Member" means any person that is duly appointed by the Fire Chief to the Fire Department.

2.11 "Outdoor Fire" shall include fires involving humus, bush, grass, feed, straw, coal or any fire that has escaped or spread from a structure.

2.12 "Peace Officer (as defined in the Provincial Offences Procedure Act, Chapter P-21.5, RSA 1988)" means a member of the Royal Canadian Mounted Police or a By-law Enforcement Officer.

2.13 "Permit," means the written authority of the Fire Chief issued pursuant to this By-law.

2.14 "Person" shall include a corporation.

2.15 "Structure" means anything manmade.



- 2.16 'Town' means the Town of High River.
- 2.17 "Town Manager" shall be the Chief Administrative Officer of the Town of High River as appointed by the Council of the Town of High River.

3. **ESTABLISHMENT OF THE FIRE DEPARTMENT**

- 3.1 A department for the Town to be known as the High River Fire Department is hereby established and the head of the Department shall be known as the Fire Chief of the Fire Department.
- 3.2 In addition to the Fire Chief of the Department, personnel shall consist of such officers and members as from time to time may be deemed necessary by the Fire Chief for the command, control and administration of the Department.
- 3.3 The membership of the Department shall not be limited in number.
- 3.4 No member shall:
 - a) while in uniform, enter any premises where alcoholic beverages are sold or consumed except in the performance of their departmental duties.
 - b) if their ability is impaired by the use of alcohol or drugs, be permitted to remain on duty.
 - c) while on duty, consume any intoxicating beverage or drug.
- 3.5 No person shall damage or destroy Department apparatus or equipment.
- 3.6 The High River Fire Department shall hold monthly business meetings, which shall be chaired by the Fire Chief in an orderly and democratic manner. A member of the Department shall be appointed secretary and it shall be his duty to record the minutes of the meetings and to keep these minutes as a permanent record of the department.

4. **DUTIES OF THE FIRE CHIEF**

- 4.1 Fire Chief is responsible and accountable to the Town Manager for the proper direction and operation of the Department and for the discipline of its members.
- 4.2 The Fire Chief has complete responsibility and authority over the Department, and in particular he shall be required to carry out all fire protection activities and other such activities, including but not limited to:
 - a) pre-fire planning;
 - b) disaster planning;
 - c) preventative patrols;
 - d) other emergency incidents;
 - e) rescue;
 - f) fire fighting or suppression;
 - g) public education and information;
 - h) training and other staff development.
 - i) fire medical technician training.
- 4.3 The Fire Chief shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Department including:
 - a) use, care and protection of fire department property, which includes buildings, equipment (trucks, vehicles) and apparatus;
 - b) conduct and discipline of officers and members of the department;
 - c) efficient operations of the department;
 - d) standard operating procedures;
 - e) physical fitness standards or requirements for medicals.
 - f) qualifications to be appointed as a member of the department.

- 4.4 The Fire Chief shall file all response reports within three (3) working days of the incident with the Town Manager.
- 4.5 The Fire Chief shall file monthly, a report of all other actions taken under clause 4.2, with the Town Manager.
- 4.6 The Fire Chief shall review periodically the policies and procedures of the Department and may establish an Advisory Committee, which may consist of such persons as he may determine to assist him with development of policies and procedures.
- 4.7 The Fire Chief shall take the proper measures for the prevention and control and extinguishing of fires and the protection of life and property and shall enforce the Town's by-law respecting fire prevention and exercise the powers and duties imposed on him by the statutes and regulations of the Province of Alberta.
- 4.8 The Fire Chief is responsible for the enforcement of this by-law and departmental rules.
- 4.9 The Fire Chief shall draft an Operating and Capital Budget to be submitted prior to September 30th each year.
- 4.10 The Fire Chief may obtain assistance from any other officials of the Town in order to discharge his duties and responsibilities under this by-law.
- 4.11 The Fire Chief shall foster fire prevention and keep the citizens informed on fire hazards in the community and on the activities of the Department.
- 4.12 The Fire Chief shall follow the Town's Financial procedures when expending funds on behalf of the Fire Department.
- 4.13 To keep, or cause to be kept, a permanent record of all fires and causes thereof.
- 4.14 To train, or cause to be trained by competent instructors, all members of the Department, making them familiar with all fire apparatus and the use thereof by holding practices and discussions or instruction periods in fire prevention, hazards, fire fighting, inspection works and salvage and other subject of interest and value, to increase the efficiency of the Department and develop such certification programs and processes as the Fire Chief sees fit.
- 4.15 To inspect, or cause to be inspected, all equipment in his charge each month to see that all equipment is clean, in its place and ready for use.
- 4.16 Council may, by resolution, establish and amend a schedule of fees for permits, certificates, or other services provided by the Fire Department, being Schedule 'A' of By-law #3754/93.

5. RECIPROCAL AGREEMENTS

- 5.1 The limits of the jurisdiction of the Fire Chief, and the officers and members of the department, will extend to the area and boundaries of the Town and the portion of the Municipal District of Foothills #31 as outlined in a contractual agreement, and no part of the fire apparatus shall be used beyond these boundaries except:
 - a) where, in the opinion of the Fire Chief, such fire threatens property within the boundaries or, the property is situated outside the boundaries but owned by the Town; or
 - b) where a Mutual Aide agreement has been signed with another municipality, corporation or association.

6. FIRE PERMITS

- 6.1 The Fire Chief (or his designate) may issue a permit for open air burning:
 - a) of brush, stumps, slash and like material resulting from the clearing of land;



- b) for necessary burning by the municipality; or
 - c) fireworks.
- 6.2 A request for a Fire Permit for an outdoor fire shall be made to the Fire Chief in writing and the Fire Chief shall receive and consider the request and after having done so may, in absolute discretion, issue to the applicant a Fire Permit. No burning is allowed unless a permit is issued by the Fire Chief or his designates.
- 6.3 No fire permits may be issued when a Fire Ban is in effect pursuant to the Forest and Prairie Protection Act.
- 6.4 When issuing a permit, the Fire Chief may issue the permit unconditionally or may impose conditions considered appropriate.
- 6.5 Fire permits issued pursuant to this By-law, are valid for such period of time as shall be determined and set by the Fire Chief issuing the permit, but in any case shall not exceed five (5) days. The permit shall have endorsed, thereon, the period of time for which the said permit is valid.
- 6.6 When requesting a permit, the applicant must provide the following information to the Fire Chief:
- a) the name and address of the applicant and owner;
 - b) the description of the land (civic address) on which the applicant proposed to set a fire;
 - c) the type and description of material which the applicant proposed to burn;
 - d) the period of time the Fire Permit is required;
 - e) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his control;
 - f) owner's signature, if not the applicant.
- 6.7 Where an emergency or a potential emergency exists, the Fire Chief or his designate shall be at liberty to suspend Outdoor Fires or any Outdoor Camping Fire lit for cooking or warming purposes within the Town for such a period of time and on such conditions as may be determined by the Fire Chief or his designate.
- 6.8 No person to whom a permit is issued under this Section shall burn any rubber tires, oil, tar, asphalt, shingles, battery, plastic material, animal cadavers, garbage, railway ties or other refuse from any commercial or industrial operation or any other material that would produce smoke which, in the opinion of the Fire Chief or his designate, is of an unacceptable level.

- 6.9 The Fire Chief (or his designate) may refuse to issue a permit having regard to all circumstances which in his sole opinion, may create a hazard or a nuisance.

7. **EXEMPTIONS FROM PERMITS**

- 7.1 A Fire Permit is not required under this by-law for the following:
- a) An Outdoor Fire that is set for the purposes of cooking or obtaining warmth, providing that the fire is contained in a pit with a non-combustible bottom, has a ring of cement or steel that is a minimum of 30 cm high and is located at least three (3) meters from any structure and is clear from flammable fuels, including but not limited to grass, trees and bushes for at least one and one-half (1.5) meters horizontally and from the edge of the rim and two and one-half (2.5) meters vertically from the edge of the rim and covered with a 3mm wire mesh. Without the above conditions being met there is no authority to have an outdoor cooking or warming fire;
 - b) Fires that are set for the purpose of training Firefighters.
 - c) Fires in fire pits in a public campground.
- 7.2 Any outdoor fire pits existing at the time of passing of this by-law for the purposes of cooking or obtaining warmth, that do not meet the conditions set out in Sections 7.1(a) of this By-law, must be inspected by the Fire Chief to determine if a certificate can be issued authorizing its continued use. Certificates will be valid for a period of two (2) years and are subject to re-inspection by the Fire Chief prior to obtaining a two (2) year renewal of the Certificate. If a certificate cannot be issued or renewed, and if the Fire Chief determines that the outdoor fire pit is considered unsafe and a potential fire hazard then the outdoor fire pit cannot be used.
- 7.3 This By-law does not apply to any Industrial or Commercial type Incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations.

8. **PERSONS PRESENT AT A FIRE**

- 8.1 The Fire Chief, or in his absence the senior member present, shall have control, direction and management of any Department apparatus, equipment or manpower assigned to an incident and, where a member is in charge he shall continue to act until relieved by an officer authorized to do so.
- 8.2 It shall be the duty of all persons present at a fire to assist in its suppression, if called upon to do so by the Fire Chief, and all persons present at or assist in the suppression of a fire shall obey the commands of the Fire Chief or other officer in charge.
- 8.3 The Fire Chief, 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.
- 8.4 The Fire Chief, or other member in charge, at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Department to enter as he deems necessary in order to combat, control or deal with the incident.
- 8.5 The Fire Chief, or member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
- 8.6 No person shall enter the boundaries or limits of an area prescribed in accordance with Section 8.5 unless he has been authorized to enter by the Fire Chief or the member in charge.

- 8.7 The Fire Chief, or member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries and limits outlined in Section 8.5.
- 8.8 The Fire Chief, or other member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and cause members of the Department and the apparatus and equipment of the Department to enter or pass through or over the buildings or property, where he deems it necessary to gain access to the incident or to protect any persons or property.
- 8.9 No person shall drive any vehicle over any hose while in use or about to be used at any fire or which has been used or laid to be used at a fire or fire practice.
- 8.10 No person shall obstruct any member from carrying out duties imposed by this by-law.
- 8.11 No person shall falsely represent himself or herself as a Department member or wear or display any Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- 8.12 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for fire fighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.
- 8.13 The Fire Chief or member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.
- 8.14 The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.
- 8.15 In the event of a fire, the Fire Chief may appoint some person to keep watch over the smoldering remains of a fire for such time as he deems necessary.

9. PENALTY AND LEGAL ACTION

- 9.1 No person shall light an Outdoor Fire, except in an approved fire pit, unless he is a holder or a subsisting Fire Permit if required under the By-law.
- 9.2 When a fire is lit under the circumstances described in Section 9.1 the owner or occupier and/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 the Department.
- 9.3 Any person who contravenes any provision of this By-law by:
- a) doing any act or thing which they are prohibited from doing; or
 - b) failing to do any act or thing they are required to do;

is guilty of an offence and is liable on Summary Conviction, to a fine of not less than one hundred dollars (\$100.00) and not more than twenty-five hundred dollars (\$2,500.00), in the event of failure to pay or the inability to pay any fine levied, to imprisonment for a period not exceeding one (1) year or until such fine and costs are paid.

- 9.3.1 Where any provision of this By-law provides for a fine to be levied for contravention of this By-law the Court entering the conviction of the offence shall not levy a lesser fine than set out in the provision.




- 9.3.2 Where a breach of this By-law is of a continuing or re-occurring nature then in addition to any other remedy or any penalty imposed by the By-law, the Town may, in any of those cases, apply to the Court of Queen's Bench by way of action or originating notice for an injunction or other order, prohibiting the person contravening the By-law.
- 9.3.3 Where the Fire Chief, an authorized member of the Fire Department or a Peace Officer, believes that a person has contravened any provision of this By-law, they may serve upon the person a voluntary payment tag in a form designated by the Town allowing payment to the Town of the fine specified in Schedule "A", of By-law 3754/93, for the offence and that payment shall be accepted by the Town in lieu of prosecution for the offence.
- 9.3.4 If the person upon whom a voluntary payment tag is served fails to pay the required sum within the time specified in the voluntary payment tag, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
- 9.3.5 Nothing in this section shall:
- (i) prevent any person from exercising their right to defend any charge of committing a breach of this By-law;
 - (ii) prevent the Fire Chief, an authorized member of the Fire Department, or a Peace Officer from laying an information or complaint or Violation Ticket in lieu of serving a voluntary payment tag; or
 - (iii) prevent any person from exercising any legal rights they may have to lay an information or complaint against any person (whether the person has made payment under the provisions of this By-law, or not) for a breach of this By-law.
- 9.4 The Fire Chief, or a member of the Department charged with the enforcement of this by-law or a Peace Officer, acting in good faith and without malice for the Town in the discharge of his duties, shall not hereby render himself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.
- 9.5 Any suit brought against the Fire Chief, or a member of the Department or a Peace Officer, because of an act or omission performed by him in the enforcement of any provisions of this by-law shall be defended by the Town of High River until final determination of the proceedings.
- 9.6 The Fire Chief may charge a landowner a response fee with respect to extinguishing outdoor fires for which valid permits or certificates have not been obtained or fires being lit in non-compliance with a certificate or permit or the requirements of this By-law. In the event of a default in the payment of the response fee, the response fee may be charged against the land as taxes due and owing in respect of that land.
- 9.7 Should any section or part of this By-law 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 this By-law and the By-law remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been as part of this By-law.
- 9.8 Notwithstanding Section 4.18, all owners of buildings not required by Federal, Provincial or Municipal legislation to pay taxes or grants in lieu of taxes to the Town of High River shall be billed for all costs incurred by the Fire Department in responding to or dealing with a fire or an incident at their premises.




9.9 In the event that the cause of a fire is found to be arson committed by the building owner, all costs of fire fighting, investigation, etc., may be billed to the owner. In the event of a default in the payment of the costs for the above, the costs may be charged against the land as taxes due and owing in respect of the land.

By-law Numbers 3135/76 and 3138/76 are hereby rescinded.

READ A FIRST, SECOND AND WITH UNANIMOUS CONSENT OF ALL COUNCIL PRESENT, A THIRD AND FINAL TIME this 13th day of October, A.D. 1998.


MAYOR/DEPUTY MAYOR


TOWN MANAGER/MUNICIPAL SECRETARY