

By-law No. 128/2008

A BY-LAW OF THE TOWN OF BENTLEY IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A VOLUNTEER FIRE DEPARTMENT AND TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF LIFE AND PROPERTY WITHIN THE TOWN OF BENTLEY

WHEREAS, the Municipal Government Act, RSA 2000, Chapter M-26 of the Revised Statutes of Alberta, as amended, (herein after referred to as the "ACT") provides that a Council of a Municipality may pass By-laws for the safety, health and welfare of people and the protection of people and property.

AND WHEREAS, the Council of the Town of Bentley wishes to establish a fire protection and emergency response service within the Town and provide for the efficient operation of such a service.

NOW THEREFORE, the Council of the Town of Bentley, in the Province of Alberta, duly assembled, enacts as follows;

1. Title

- a. This By-law may be cited as the Fire Protection Emergency Response By-law

2. Definitions

- a. **Apparatus** shall mean any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters, equipment and/or supplies .
- b. **Board** shall mean the Board of the Lacombe Regional Fire Service Association
- c. **Burning Barrel** shall mean a non-combustible structure or container covered with a heavy gauge metal screen having a mesh size not larger than 13 millimeters and is used for the purpose of burning household refuse
- d. **Council** shall mean the Council of the Town of Bentley
- e. **CAO** shall mean the Chief Administrative Officer of the Town of Bentley or his/her designate

- f. **Dangerous Goods** shall mean any product, substance or organism specified in the regulation or included by its nature in any of the classes listed in the regulations under the Dangerous Goods Transportation and Handling Act, Chapter D-4, as amended, of the RSA 2000
- g. **Deputy Fire Chief** shall mean that person who is the second highest ranking Member who shall, in the absence of the Fire Chief, carry out the duties of the Fire Chief
- h. **Director of Disaster Services** shall mean that person appointed by Council to act as the Town's Director of Disaster Services, or his/her designate
- i. **Disaster** shall mean a natural or manmade event that results or may result in serious harm to safety, health or welfare of persons, property or the environment
- j. **Enforcement Officer** shall mean a member of the R.C.M.P., a Lacombe County Community Peace Officer or any person appointed by the Town to enforce the provisions of this By-law.
- k. **Equipment** shall mean any tools, devices or materials used by the Fire Department for the purpose of providing Fire Protection and Emergency Response services
- l. **False Alarm** shall mean any fire alarm that is set through willful, accidental, human or mechanical error and causes the Fire Department to respond to a fire or emergency which in fact is not in existence
- m. **Fire Ban** shall mean the prohibition of the lighting of fires in the Town
- n. **Fire Chief** shall mean that person appointed by Council to act as the Chief of the Bentley Fire Department
- o. **Fire Department** shall mean the department established by this By-law for the purpose of providing Fire Protection and Emergency Response services
- p. **Fire Protection and Emergency Response** shall mean all aspects of fire department responses including, but not limited to, fire prevention, fire fighting and suppression, pre-fire planning, fire inspections, fire investigation, public education and information, training, and responses to disasters and accidents, including motor vehicle accidents

- q. **Illegal Fire** shall mean any fire that is set in contravention of this By-law
- r. **Inspection Officer** shall mean the Regional Fire Chief, the Fire Chief, Enforcement Officer or any other person so authorized to undertake inspections
- s. **Member** shall mean any person that is a duly appointed Member of the Bentley Fire Department and shall include the Fire Chief
- t. **Member in Charge** shall mean the Fire Chief, or in the absence of the Fire Chief, the Deputy Fire Chief, or in the absence of the Deputy Fire Chief, the highest ranking Member who first arrives at the site of an incident
- u. **Prohibited Debris** shall mean any flammable debris or waste material that when burned may result in the release to the atmosphere of dense smoke, offensive odors or toxic air contaminants pursuant to Alberta Regulation 110/93
- v. **Quality Management Plan** shall mean the Quality Management Plan, Joint Accredited Municipalities, Fire Safety Discipline, established pursuant to the Alberta Safety Codes Act
- w. **Recreation Fire** shall mean a fire contained within a non-combustible container which is set for the purpose of cooking, obtaining warmth or viewing for pleasure and may only be fueled with wood, charcoal briquettes, fireplace pellets, manufactured fire logs, coal, natural gas or propane
- x. **Regional Fire Chief** shall mean the Regional Fire Chief appointed by the Lacombe Regional Fire Services Association
- y. **Safety Codes Officer** shall mean any person designed as a Safety Codes Officer for the Town of Bentley, pursuant to the Safety Codes Act
- z. **Structure Fire** shall mean a fire confined to or within any building, structure, machine or vehicle, which will, or is likely to cause the destruction of or damage to such building, structure, machine or vehicle
- aa. **Town** shall mean the Town of Bentley

3. Establishment of Fire Department

The Bentley Fire Department is hereby established for the purpose of providing Fire Protection and Emergency Response Services in the Town of Bentley

4. Lacombe Regional Fire Service Association

The Town of Bentley is hereby authorized to maintain membership in the Lacombe Regional Fire Service Association

5. Fire and Mutual Aid Agreements

The Town is hereby authorized to enter into agreements with other municipalities and agencies for the purchase, use, operation and management of fire apparatus, equipment and facilities and for the purpose of providing Fire Protection and Emergency Response Services in the Town and in those municipalities participating in such agreements

6. Operation of Fire Department

The Town shall establish, by policy;

- a. The types of Fire Protection and Emergency Response Services and to what level these services will be provided
- b. The authority and/or procedure for recruiting, appointing and terminating the Fire Chief and Members of the Fire Department
- c. The Organizational Structure of the Fire Department
- d. The lines of communication and chain of command for the Fire Department
- e. The job descriptions for the Members of the Fire Department
- f. The Code of Conduct for the Members of the Fire Department
- g. The amount of remuneration paid to the Fire Department and its Members

- h. The Fire Department shall establish Standard Operating Guidelines for the provision of Fire Protection and Emergency Response Services that are consistent with this By-law and other applicable policies of the Town
- i. Notwithstanding Section 6 a to h of this By-law, the Fire Department shall provide Fire Protection and Emergency Response Services within the scope that the Fire Department's manpower, equipment and training permits, as determined by the Fire Chief.

7. Authority and Responsibility of Fire Chief

- a. The Fire Chief shall be responsible to the CAO for the performance of his/her duties pursuant to this By-law and other applicable policies of the Town
- b. The Fire Chief shall make and submit such reports and plans to the Town and the Board, as may be required by each respectively
- c. The Fire Chief shall maintain and submit to the Town, on a timely basis;
 - i) a record of all fires and emergency responses attended by the Fire Department in a form prescribed by the Town
 - ii) a record of all fire inspections carried out and actions taken on account of fire inspections according to the Quality Management Plan
 - iii) any other records incidental to the operation of the Fire Department
- d. The Fire Chief shall prepare and submit to the Town annually, for approval, a list of apparatus, equipment and supplies that may be required for the administration and operation of the fire department for the subsequent or future years
- e. The Fire Chief is authorized to purchase or otherwise direct the purchase of equipment and supplies previously approved by the Town
- f. The Fire Chief may obtain assistance from other officials of the Town as he deems necessary in order to discharge his duties and responsibilities under this By-law and other applicable policies of the Town.
- g. The Fire Chief shall be responsible for the use, care and protection of the Fire Department property

- h. The Fire Chief shall manage and administer the affairs of the Fire Department pursuant to this By-law and other applicable policies of the Town
- i. The Fire Chief may appoint other Members to the Fire Department, pursuant to policies of the Town.
- j. The Fire Chief may appoint the Deputy Fire Chief, or in his/her absence, another Member of the Fire Department to act as the Fire Chief in his/her absence for a period not to exceed thirty (30) days
- k. The Members of the Fire Department shall be responsible to the Fire Chief for the performance of their duties pursuant to this By-law and other applicable policies of the Town and such other duties as may be assigned by the Fire Chief from time to time
- l. In the event an emergency or disaster is declared, the Fire Chief shall be responsible to the Town's Director of Disaster Services, or designate, for the conduct of emergency operations

8. Authority and Responsibility of Member in Charge

- a. The Member in Charge at an incident in the Town of Bentley shall be responsible for the control, direction and management of all apparatus, equipment and manpower assigned to that incident and shall continue to act as the Member in Charge until relieved by a Member authorized to do so.
- b. The Member in Charge shall be responsible to direct and manage the operations necessary as reasonably as can be expected for a Volunteer Fire Department for the extinguishing of a fire or controlling other emergency incidents
- c. The Member in Charge shall take action as deemed necessary for preserving lives and property and protecting persons and property from injury or destruction from fire or other emergency incidents
- d. The Member in Charge is empowered to cause a building or structure to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings or structures

- e. The Member in Charge is authorized to enter premises or property without permission where an incident is occurring and to cause any Member or apparatus to enter without permission, as the Member in Charge deems necessary
- f. The Member in Charge is authorized to enter, pass through or over buildings, structures or property adjacent to the incident and to cause Members or apparatus to enter or pass through or over the building, structure or property without permission, if the Member in Charge deems it necessary to gain access in the incident or protect any persons or property
- g. The Member in Charge may request Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 8.f
- h. The Member in Charge is authorized to require any adult person who is not a Member to assist in;
 - i) extinguishing a fire or prevent the spread thereof
 - ii) removing furniture, good and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same
 - iii) demolishing a building or structure at or near the fire or other incident
- i. The Member in Charge is authorized to secure Town manpower and equipment which he considers necessary to deal with an incident
- j. The Member in Charge is authorized to secure and/or command privately owned equipment which he considers necessary to deal with an incident and authorize payment for the use of said equipment
- k. After the Fire Department assumes care and control of a fire, should an owner or representative of the owner of a building, structure, property or other thing request that the fire department cease fire extinguishing activities, the Member in Charge, at his discretion, may cease fire extinguishing activities and transfer responsibility for care and control of the fire to the owner or representative's owner subject to the execution of a "Property Release After Emergency Incident" form

9. Fire Hydrants

- a. No person, other than Members, Employees or Agents of the Town, shall, without prior approval from the Town, affix any tool, hose or other device to any fire hydrant or fire hydrant valve
- b. No person shall, without prior approval from the Town, paint or otherwise tamper with any fire hydrant or portion thereof

10. Recreation Fires (Fire Pits and Barbeques)

- a. Recreational Fires are permitted, subject to the following specifications;
 - i) a required minimum of 3.3 metres (10 feet) clearance, measured from the nearest fire pit edge to building, property line or other combustible materials
 - ii) the height does not exceed 0.6 metres (23.4 inches) when measured from the surrounding grade to the top of the pit opening
 - vi) the pit opening does not exceed 1 metre (39 inches) in width or in diameter when measured between the widest points or the outside edge
 - vii) it is constructed of enclosed sides made from bricks, concrete blocks, heavy gauge metal or other suitable non-combustible material
 - viii) it must be supervised at all times by a responsible adult person over the age of 18 until such time as the fire has been completely extinguished. For the purposes of this clause, a fire shall be deemed to include hot ashes and smoldering embers resulting from the fire.
 - ix) it has a spark arrester mesh screen with openings no larger than 1.25 centimetres (.75 inch), constructed of expanded metal (or equivalent) to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks
 - x) only wood, charcoal briquettes, manufactured fire logs, fireplace pallets, propane or natural gas are used

- xi) the flames do not exceed a height of 91 centimetres (3 feet) above the barbeque or fire pit

11. Burning Barrels

- a. The use of a Burning Barrel for the purpose of burning household refuse is permitted, pursuant to Town of Bentley By-law 100/06 and amendments thereto.

12. Fire Works

- a. Subject to the exceptions set out in Section 12.b, no person shall discharge any fireworks within the corporate limits of the Town of Bentley
- b) The Fire Chief may, upon written application, permit qualified personnel to ignite fireworks and conduct fireworks displays. The Fire Chief may impose such conditions and restrictions on the use of fireworks and fireworks displays as may be deemed appropriate. Such conditions and restrictions may address;
 - i. hours of the day
 - ii. days of the week
 - iii. length of display
 - iv. geographic location
 - v. requirements for notification of adjacent residents
 - vi. safety precautions
- c) All fireworks shall be stored, used and ignited in accordance with the provisions of the Explosives Act (Canada) and Alberta Fire Code and associated regulations
- d) No person or business shall be permitted to sell fireworks within the Town of Bentley

13. Fire Bans

- a) The Fire Chief is hereby granted the authority to impose Fire Bans from time to time, depending on weather conditions and any other conditions as may be deemed appropriate by the Fire Chief
- b) A fire ban may be imposed, with or without conditions

- c) A Fire Ban declared by the Province of Alberta and the conditions Imposed thereto take precedence over the Fire Ban provisions of this By-law.

14. Control of Fire Hazards

- a) Inspection Officers shall be given access at reasonable hours to both private and public land for the purpose of inspecting the property to determine whether a fire hazard exists
- b) If an Inspection Officer determines, in his/her sole discretion, that a fire hazard exists on private or public land, the CAO may order the owner or person in control of the land on which the fire hazard exists to reduce or remove the hazard within a specified period of time and in a manner prescribed by the CAO
- c) If an order made pursuant to 14.b has not been carried out within the time specified, the Town may enter the land with any equipment or personnel it considers necessary and perform any work required to reduce or remove the fire hazard.
- d) The owner or person in control of the land, in which work was performed by the Town pursuant to 14.c, shall, on demand, reimburse the Town for the cost of the work performed, and in default of payment, the amount levied and unpaid shall be charged against the land as taxes due and owing in respect of that land

15. Illegal Fires

- a) Any Enforcement Officer or Member or Employee of the Town may extinguish an illegal fire using whatever apparatus or procedure, at his sole discretion, is deemed appropriate
- b) The costs of controlling or extinguishing any illegal fire shall be recovered from the person causing the illegal fire.

16. Recovery of Costs

- a) When the Fire Department has taken any action whatsoever for the purpose of providing Fire Protection and Emergency Response Services in or outside of the Town, the CAO may, in respect of any costs incurred by the Town in taking such action, charge any costs

so incurred to the owner or occupant of the property or any thing in respect to which the action was taken.

- b) The costs and fees to be charged by the Town for services rendered pursuant to this By-law shall be determined by resolution of Council from time to time.
- c) In the event that the owner or operator of the property or any other thing in respect to which the Fire Department action was taken feel aggrieved by any action taken pursuant to Section 16.a), such owner or occupant shall have a period of thirty (30) days from the date of mailing of the notice of the action taken, by the CAO, to appeal to Council. The decision of Council on any such appeal shall be final and Binding upon the owner or occupant and shall not be subject to further appeal.

This By-law rescinds By-law 80/03.

This By-law shall come into effect on the date of the final passing thereof.

Read a first time this 12th day of August, 2008

Read a second time this 26th day of August, 2008

Read a third and final time this 26th day of August, 2008

Mayor

Chief Administrative Officer

