BYLAW 5-2021
FIRE SERVICES BYLAW

Section 7 of the Municipal Government Act permits Council to pass bylaws for municipal purposes in relation to the safety, health and welfare of people and the protection of people and property, and to create offences and impose fines and penalties; and

Section 8 of the Municipal Government Act permits Council to regulate or prohibit particular activities, industries, businesses, or other things; and

Section 542 of the Municipal Government Act allows a designated officer of a municipality to enter land, buildings, and structures in order to carry out an inspection, enforcement, or action authorized or required by a bylaw; and

Section 551 of the Municipal Government Act allows a municipality to take whatever actions or steps are necessary to eliminate an emergency; and

Section 7 of the *Forest and Prairie Protection Act*, RSA 2000, c F-19, makes Strathcona County responsible for providing fire services in the non-urban areas or Strathcona County; and

Council recognizes that Strathcona County has a role to play in ensuring fires are effectively managed and that firefighting activities are carried out when necessary; and

Council believes that the costs for providing fire services in Strathcona County are appropriately paid by the person responsible for the fire;

Therefore Council enacts:

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

Purpose

1 The purposes of this bylaw are to:

(a) allow the County, its firefighters and fire officers, and its fire services personnel to engage in and provide fire services; and

(b) allow the County and its firefighters and fire officers to enter land, building, and structures in order to engage in and provide fire services; and

(c) prevent the spread of fires and allow the County and its firefighters and fire officers to extinguish fires.

Citation

2 This bylaw is cited as the Fire Services Bylaw.

Definitions

3 In this bylaw:

(a) "bylaw enforcement officer" means an individual appointed or authorized by the Chief Commissioner to enforce County bylaws, and includes a peace officer and a police officer;

(b) "Chief Commissioner" means the chief administrative officer of the County or delegate;

(c) "County" means the municipal corporation of Strathcona County, a specialized municipality established under the authority of the *Municipal Government Act,* RSA 2000, c M-26 and Order in Council 761/95;

(d) "emergency" includes a situation in which there is imminent danger to public safety or of serious harm to property or the environment;

(e) "Fees and Charges Bylaw" means the County's Fees, Rates and Charges Bylaw, Bylaw 37-2019, as amended or replaced;

(f) "*Fire Code*" means the *National Fire Code – 2019 Alberta Edition*, or any successor legislation or document;

(g) "fire services" means services related to the suppression or prevention of fires, rescue and emergency services, and other activities of a firefighter;

(h) "hazardous substances" means any material or substance that may have an immediate or long term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment and shall include those products, substances and organisms that are covered by applicable Provincial and Federal legislation and guidelines;

(i) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c M-26;

(j) "municipal tag" means an offence notice issued pursuant to this bylaw;

(k) "parcel" has the same meaning as "parcel of land" in the Municipal Government Act;

(l) "peace officer" means an individual appointed by the province of Alberta under the authority of the *Peace Officer Act*, SA 2006, c P-3.5, as a peace officer, and with the authority to enforce this bylaw, and includes a police officer;

(m) "person" means an individual or an incorporated entity;

(n) "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act,* RSA 2000, c P-34;

(o) "violation ticket" means a ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34;

Interpretation

4 The following rules apply to interpretation of this bylaw:

(a) The word "including" means "including, but not limited to";

(b) Headings, titles, margin notes, and preambles in this bylaw are for ease of reference only;

(c) References to one gender includes all genders, and the singular includes the plural as the context requires;

(d) Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable;

(e) References to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and to regulations and orders thereunder; and

(f) All offences under this bylaw are strict liability offences.

Application

5 Nothing in this bylaw relieves a person from the obligation to comply with a provision of any other bylaw or enactment, or the requirements of a permit, order, or license issued under another bylaw or enactment.

6 The provisions of this bylaw do not apply to fire services or emergency services provided by the federal government or a provincial government.

PART II – FIRE SERVICES

Fire Services Activities

7 Strathcona County will provide fire services within the municipal boundaries of Strathcona County.

8 In the provision of fire services, Strathcona County's fire officers and fire services personnel have all of the following duties:

(a) preventing fires;

(b) extinguishing fires;

(c) investigating the cause of fires;

(d) preserving life and property, and protecting persons and property from injury or destruction by fire;

(e) providing rescue and emergency medical services; and

(f) responding to incidents involving hazardous substances.

Assistance in Provision of Fire Services

9 The Chief Commissioner may enter into mutual aid agreements to provide or receive fire services in extraordinary circumstances.

10 (1) The Chief Commissioner may authorize the use of the County's fire services personnel, equipment, and fire officers to assist with fire services in other jurisdictions.

(2) The Chief Commissioner may require that these services are only provided on a cost-recovery basis.

PART III – RIGHTS, OBLIGATIONS, AND AUTHORITIES

Fire Officer Authorities

11 The Chief Commissioner may appoint one or more individuals as fire officers, for the purposes of providing fire services.

12 A fire officer is a designated officer of the municipality and is authorized to:

(a) enter onto land or in to or on to a building or structure to conduct inspections, to order any person to remedy a contravention of this bylaw or a fire or safety hazard;

(b) carry out inspections to determine compliance with this bylaw;

(c) perform or have performed, on the land or premises or anything on them, any tests the fire officer considers necessary;

(d) request copies of, or take pictures or images of, anything from, in, or on a property, premises, or building that:

i. is reasonably pertinent to a matter under investigation; or

ii. the fire officer considers, on reasonable and probable grounds, is or may be evidence of the commission of an offence against this bylaw;

(e) request copies of, or take pictures or images of, vehicle and driver information, including a vehicle's registration and the driver's license, at the scene of a motor vehicle collision;

(f) temporarily cordon off or secure an area of land, a building, or a structure and prohibit any person from entering or remaining on or in the land, building, or structure during an investigation or while providing fire services;

(g) require a person to extinguish a fire that the fire officer believes may become a safety hazard, or which may become out of the control of the person; and

(h) do any other thing or action as provided for and in accordance with this bylaw.

Permitted Actions in Emergency

13 During an emergency a fire officer is authorized to take whatever actions or measures are necessary to eliminate or mitigate the emergency, including:

(a) demolishing or removing a building, structure, improvement, vehicle, obstacle, or other thing;

(b) entering a property, building, or structure with any persons and equipment that, in the fire officer's opinion, are required; and

(c) ordering a person to provide labour, services, equipment, or materials to the fire officer;

Removal of Fire Hazards

14 (1) If a fire officer finds conditions that, in the fire officer's opinion, constitute a fire hazard or a burning hazard, the fire officer may direct the owner of the property on which the hazardous conditions exist to reduce, remove, or eliminate the hazard within a fixed time and in a manner prescribed by the fire officer.

(2) A person who receives direction from a fire officer under this Part must comply with the direction.

15 In an emergency a fire officer is authorized to reduce, remove, or eliminate a fire hazard or burning hazard on a parcel.

PART IV – RECOVERY OF EXPENSES

Owner Liable for Costs

16 The owner of a property is liable to the County for all expenses and costs related to the County extinguishing fires on the property.

Person Causing Fire Liable for Costs

17 A person who causes a fire is liable to the County for all expenses and costs related to the County extinguishing the fire.

Joint and Several Liability

18 The County may seek recovery of expenses and costs in this Part either jointly or severally.

PART VI – REPORTING AND OFFENCES

Reporting Requirements

19 A person that causes or permits the release of a hazardous substance, and the owner of a property where a hazardous substance has been released, must report the particulars of the release to the Chief Commissioner within 48 hours of the release if:

(a) the release is, or could reasonably be expected to be, in excess of a maximum allowable quantity or concentration specified in federal or provincial regulations; or

(b) the release endangers or could reasonably be expected to endanger public safety or create an unsafe condition.

20 The owner of a property that is damaged by fire, or where an injury or death is caused by a fire, must immediately report the particulars of the fire to the Chief Commissioner.

21 (1) If a person is required to perform an inspection under the *Fire Code*, that inspection must be performed by a person who is qualified to perform that inspection, as set out in the *Fire Code*.

(2) Any inspection performed under the *Fire Code* must be recorded in a form acceptable to the Chief Commissioner, and a copies must be provided to:

(a) the owner of the property, within 7 days of the inspection; and

(b) the Chief Commissioner, within 14 days of the inspection.

Offences

22 A person must not enter an area that is cordoned-off or secured by a fire officer, except as permitted by a fire officer.

23 During an emergency, when a fire officer directs a person to vacate a building, structure, or area of land, or to do any other thing, the person must comply with the directions given.

24 A person must not impede, interfere with, or hinder a fire officer who is performing fire services duties.

25 A person must not obstruct or interfere with the operation or use of a fire hydrant, fire department connection on a building, or any fire detection device or equipment.

26 A person must not obstruct access to any access road, street, or approach to any place where fire services are required.

27 A person must not move a fire hose that is at or near the scene of a fire unless permitted to do so by a fire officer.

28 A person must not drive a vehicle over a fire hose that is at or near the scene of a fire unless permitted to do so by a fire officer.

29 A person must not make a false report of a fire.

30 A person must not activate a manual fire alarm station unless that person has a reasonable belief that there is a fire in progress at or near the location of the manual fire alarm station.

31 A person who contravenes or fails to comply with a provision of this bylaw is guilty of an offence.

PART VII – ENFORCEMENT

Continuing Offences

32 If an offence is of a continuing nature, each day or part thereof that a person fails to comply with the requirements of this bylaw constitutes a new offence.

Obstruction

33 Any person who interferes with or obstructs a bylaw enforcement officer or peace officer in the execution of the bylaw enforcement officer's or peace officer's duties under this bylaw is guilty of an offence.

Enforcement Measures

34 Nothing in this bylaw precludes a bylaw enforcement officer or a peace officer from taking any enforcement measure available in another bylaw or enactment, in addition to issuing a municipal tag or violation ticket for an offence.

35 A bylaw enforcement officer is a designated officer of the municipality with the power to conduct inspections, take enforcement action, and order any person to remedy a contravention pursuant to the Municipal Government Act, or as provided for and in accordance with any other enactment or bylaw.

Municipal Tag

36 A bylaw enforcement officer may issue and serve a municipal tag on any person the officer has reasonable and probable grounds to believe has contravened a provision of this bylaw by:

(a) personally serving the municipal tag on the person; or

(b) mailing a copy of the municipal tag by pre-paid post to the person's last known postal address.

37 A municipal tag shall be in a form approved by the Chief Commissioner and shall state:

(a) the name of the person to whom the municipal tag is issued;

(b) the particulars of the contravention of the bylaw;

(c) the specified penalty for the offence as set out in Schedule "A";

(d) that the specified penalty must be paid within thirty (30) days of the issuance of the municipal tag in order to avoid prosecution; and

(e) any other information as may be required by the Chief Commissioner.

Violation Ticket

38 If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a peace officer may issue a violation ticket to the person to whom the municipal tag was issued.

39 A peace officer may, in the officer's sole discretion, elect to issue and serve a violation ticket without first issuing a municipal tag.

40 A peace officer is authorized to issue a violation ticket under Part 2 or Part 3 of the Provincial Offences Procedure Act to any person the peace officer believes on reasonable and probable grounds has committed an offence under this bylaw.

41 If a violation ticket is issued it must be in the prescribed form and must:

(a) state the specified penalty for the offence as set out in Schedule "A" of this bylaw; or

(b) require the person to appear in Provincial Court with or without the alternative of making a voluntary payment.

Penalties

42 Any person guilty of an offence under this bylaw is liable on summary conviction to a penalty in an amount not less than the amount specified in Schedule "A" of this bylaw, or if not prescribed in Schedule "A", not more than $10,000, and any other penalties as may be prescribed in default of payment in relation to proceedings taken under Part 2 or Part 3 of the Provincial Offences Procedure Act.

PART IX - GENERAL

Transitional

43 Nothing in this bylaw invalidates any action taken, licence or permit granted or revoked, or offence proceeding undertaken, pursuant to Bylaw 68-2000.

FIRST READING:_____

SECOND READING:_____

THIRD READING:_____

SIGNED THIS ___ day of _____, 20__.

_____
MAYOR

_____
DIRECTOR, LEGISLATIVE AND LEGAL SERVICES

SCHEDULE "A"
Bylaw 5-2021
FIRE SERVICES BYLAW
SPECIFIED PENALTIES

Section	Offence	First Offence	Second Offence Within two year period	Third or more Offences Within two year period
14(2)	Failure to remove a fire hazard	$250	$500	$1,000
19	Failure to report the release of a hazardous substance	$150	$300	$600
20	Failure to report damage from a fire	$100	$200	$500
22	Entering a secured area	$100	$200	$500
23	Failure to comply with directions of a fire officer	$150	$300	$600
24	Impeding a fire officer performing his or her duties	$500	$1,000	$2,000
25	Interfering with a fire hydrant, water connection, or fire detection equipment	$250	$500	$1,000
26	Obstructing access to a place where fire services are required	$250	$500	$1,000
27	Unauthorized moving of a fire hose	$100	$200	$500
28	Drive a vehicle over a fire hose	$100	$200	$500
29	False report of a fire	$250	$500	$1,000
30	Activating a manual fire alarm station when there is no fire	$50	$100	$200
33	Obstruct or interfere with bylaw enforcement officer or firefighter in execution of duties	$500	$1,000	$2,000