

MUNICIPAL DISTRICT OF BIGHORN NO. 8

BYLAW 35/95

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8 IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A VOLUNTEER FIRE DEPARTMENT PURSUANT TO THE MUNICIPAL GOVERNMENT ACT BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA 1980 AND AMENDMENTS THERETO

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8 IN THE PROVINCE OF ALBERTA DULY ASSEMBLED IN COUNCIL ENACTS AS FOLLOWS:

THAT THIS BYLAW HEREBY AUTHORIZES THE ESTABLISHMENT OF A VOLUNTEER FIRE DEPARTMENT AND THE CARRYING OUT OF ITS OPERATIONS IN THE FOLLOWING MANNER:

AND THAT IN THIS BYLAW WORDS AND PHRASES SHALL BE CONSTRUED AS SPECIFIED HEREUNDER:

"APPARATUS" - MEANS ANY VEHICLE PROVIDED WITH MACHINERY, DEVICES, EQUIPMENT OR MATERIALS FOR FIREFIGHTING AS WELL AS VEHICLES USED TO TRANSPORT FIREFIGHTERS OR SUPPLIES

"COUNCIL" - MEANS THE MUNICIPAL COUNCIL OF THE M.D. OF BIGHORN NO. 8

"EQUIPMENT" - MEANS ANY TOOLS, CONTRIVANCES, DEVICES OR MATERIALS USED BY THE FIRE DEPARTMENT TO COMBAT AN INCIDENT OR OTHER EMERGENCY

"FIRE CHIEF" - MEANS THE MEMBER APPOINTED AS HEAD OF THE FIRE DEPARTMENT

"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

"INCIDENT" - MEANS A FIRE, A SITUATION WHERE A FIRE OR EXPLOSION IS IMMINENT OR ANY OTHER SITUATION PRESENTING A DANGER OR POSSIBLE DANGER TO LIFE OR PROPERTY AND TO WHICH THE FIRE DEPARTMENT HAS RESPONDED

"MEMBER" - MEANS ANY PERSON THAT IS A DULY APPOINTED MEMBER OF THE FIRE DEPARTMENT AND IN ALL INSTANCES WHERE THE MEMBER IS NOT A FULL TIME EMPLOYEE OF THE M.D. OF BIGHORN NO. 8 SHALL BE DEEMED TO BE A VOLUNTEER.

AND THAT THE FIRE CHIEF AND ANY DEPUTIES OR DISTRICT CHIEFS SHALL BE APPOINTED BY A BYLAW OF THE M.D. COUNCIL;

AND THAT THE FIRE CHIEF SHALL APPOINT ALL OTHER MEMBERS OF THE DEPARTMENT;

AND THAT THE FIRE CHIEF MAY APPOINT OTHER OFFICERS WITHIN THE DEPARTMENT TO ACT ON HIS BEHALF;

AND THAT THE LIMITS OF THE JURISDICTION OF THE FIRE CHIEF, AND THE OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT WILL EXTEND TO THE AREA AND BOUNDARIES OF THE MUNICIPAL DISTRICT OF BIGHORN NO. 8, AND NO PART OF THE FIRE APPARATUS SHALL BE USED BEYOND THE LIMITS OF THE MUNICIPALITY WITHOUT THE EXPRESS AUTHORIZATION OF A WRITTEN CONTRACT OR AGREEMENT PROVIDING FOR THE SUPPLY OF FIRE FIGHTING SERVICES OUTSIDE THE MUNICIPAL BOUNDARIES;

NOTWITHSTANDING THE ABOVE THE FIRE DEPARTMENT IS AUTHORIZED TO ATTEND EMERGENCIES IN THE FOLLOWING AREAS WITHOUT AN AGREEMENT WHILE NEGOTIATIONS FOR AN AGREEMENT ARE BEING UNDERTAKEN. PAYMENT MAY BE REQUESTED UP TO THE LIMITS OF THE CURRENT FEE SCHEDULE:

STONEY RESERVE
TOWN OF CANMORE
TOWN OF BANFF
M.D. OF ROCKY VIEW

SUMMER VILLAGE OF GHOST LAKE
I.D. #5
TOWN OF COCHRANE
BANFF NATIONAL PARK.

AND THAT THE FIRE CHIEF HAS COMPLETE RESPONSIBILITY AND AUTHORITY OVER THE FIRE DEPARTMENT, SUBJECT TO THE DIRECTION AND CONTROL OF THE COUNCIL, THROUGH THE MUNICIPAL MANAGER, TO WHOM HE SHALL BE RESPONSIBLE, AND IN PARTICULAR HE SHALL BE REQUIRED TO CARRY OUT ALL FIRE PROTECTION ACTIVITIES AND SUCH OTHER ACTIVITIES AS MAY BE DIRECTED INCLUDING BUT NOT LIMITED TO;

- A) RESCUE
- B) OTHER INCIDENTS
- C) PRE-FIRE PLANNING
- D) PREVENTATIVE PATROLS & TRAINING

AND THAT THE FIRE CHIEF SHALL ESTABLISH RULES, REGULATIONS, AND POLICIES AS NECESSARY FOR THE PROPER ORGANIZATION AND ADMINISTRATION OF THE FIRE DEPARTMENT INCLUDING;

- A) USE, CARE & PROTECTION OF FIRE DEPARTMENT PROPERTY
- B) THE CONDUCT & DISCIPLINE OF ALL OFFICERS AND MEMBERS OF THE DEPARTMENT
- C) STANDARD OPERATING PROCEDURES TO ENSURE THE EFFICIENT AND SAFE OPERATION OF THE DEPARTMENT

AND THAT THE FIRE CHIEF, OR IN HIS ABSENCE, THE SENIOR MEMBER PRESENT, SHALL HAVE CONTROL, DIRECTION AND MANAGEMENT OF ANY FIRE 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;

AND THAT THE FIRE CHIEF SHALL TAKE RESPONSIBILITY FOR ALL FIRE PROTECTION MATTERS INCLUDING THE ENFORCEMENT OF THE SAFETY CODES ACT AND REGULATIONS THEREUNDER;

AND THAT THE FIRE CHIEF, OR ANY 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;

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AND THAT THE FIRE CHIEF, OR ANY 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 FIRE DEPARTMENT TO ENTER, AS HE DEEMS NECESSARY, IN ORDER TO COMBAT, CONTROL OR DEAL WITH THE INCIDENT;

AND THAT THE FIRE CHIEF, OR THE 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;

AND THAT NO PERSON SHALL ENTER THE BOUNDARIES OR LIMITS OF AN AREA PRESCRIBED IN ACCORDANCE WITH THIS BYLAW UNLESS HE HAS BEEN AUTHORIZED TO DO SO BY THE FIRE CHIEF OR THE MEMBER IN CHARGE;

AND THAT THE FIRE CHIEF OR THE MEMBER IN CHARGE AT ANY INCIDENT MAY REQUEST PEACE OFFICERS TO ENFORCE RESTRICTIONS ON PERSONS ENTERING WITHIN THE BOUNDARIES OR LIMITS PRESCRIBED IN THIS BYLAW;

AND THAT THE FIRE CHIEF OR THE MEMBER IN CHARGE AT AN INCIDENT IS EMPOWERED TO ENTER, PASS THROUGH OR OVER BUILDINGS OR PROPERTY ADJACENT TO AN INCIDENT AND TO CAUSE MEMBERS OF THE FIRE DEPARTMENT AND THE APPARATUS AND EQUIPMENT OF THE FIRE DEPARTMENT TO ENTER OR PASS THROUGH OR OVER THE BUILDING OR PROPERTY, WHERE HE DEEMS IT NECESSARY TO GAIN ACCESS TO THE INCIDENT OR TO PROTECT ANY PERSONS OR PROPERTY;

AND THAT THE FIRE CHIEF MAY OBTAIN ASSISTANCE FROM OTHER OFFICIALS OF THE MUNICIPALITY AS HE DEEMS NECESSARY IN ORDER TO DISCHARGE HIS DUTIES AND RESPONSIBILITIES UNDER THIS BYLAW;

AND THAT NO PERSON AT AN INCIDENT SHALL IMPEDE, OBSTRUCT OR HINDER A MEMBER OF THE FIRE DEPARTMENT, OR OTHER PERSON ASSISTING OR ACTING UNDER THE DIRECTION OF THE FIRE CHIEF OR THE MEMBER IN CHARGE;

AND THAT NO PERSON SHALL WILLFULLY DAMAGE OR DESTROY FIRE DEPARTMENT APPARATUS OR EQUIPMENT;

AND THAT NO PERSON AT AN INCIDENT SHALL DRIVE A VEHICLE OVER ANY EQUIPMENT WITHOUT PERMISSION OF THE FIRE CHIEF OR THE MEMBER IN CHARGE;

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AND THAT NO PERSON SHALL OBSTRUCT A MEMBER FROM CARRYING OUT DUTIES IMPOSED BY THIS BYLAW;

AND THAT NO PERSON SHALL FALSELY REPRESENT THEMSELVES AS A FIRE DEPARTMENT MEMBER OR WEAR OR DISPLAY ANY FIRE DEPARTMENT BADGE, CAP, BUTTON, INSIGNIA OR OTHER PARAPHERNALIA FOR THE PURPOSE OF SUCH FALSE REPRESENTATION;

AND THAT 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;

AND THAT THE FIRE CHIEF OR THE 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;

AND THAT 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;

AND THAT EVERY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS BYLAW OR WHO SUFFERS OR PERMITS ANY ACT OR THING TO BE DONE IN CONTRAVENTION OR IN VIOLATION OF ANY OF THE PROVISIONS OF THIS BYLAW, OR WHO NEGLECTS TO DO OR REFRAINS FROM DOING ANYTHING REQUIRED TO BE DONE BY ANY OF THE PROVISIONS OF THIS BYLAW OR WHO DOES ANY ACT OR THING OR OMITTS ANY ACT OR THING THUS VIOLATING ANY OF THE PROVISIONS OF THIS BYLAW SHALL BE DEEMED TO BE GUILTY OF AN INFRACTION OF THIS

BYLAW AND UPON A SUMMARY CONVICTION IS LIABLE TO IMPRISONMENT FOR A TERM OF NOT MORE THAN 6 MONTHS OR TO A FINE OF NOT MORE THAN \$2500. OR TO BOTH FINE AND IMPRISONMENT;

AND THAT THE FIRE CHIEF OR A MEMBER OF THE FIRE DEPARTMENT CHARGED WITH THE ENFORCEMENT OF THIS BYLAW, ACTING IN GOOD FAITH AND WITHOUT MALICE FOR THE MUNICIPALITY IN THE DISCHARGE OF HIS DUTIES, SHALL NOT RENDER HIMSELF LIABLE PERSONALLY AND HE IS HEREBY RELIEVED FROM ALL PERSONAL LIABILITY FOR ANY DAMAGE THAT MAY

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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;

AND THAT ANY SUIT BROUGHT AGAINST THE FIRE CHIEF OR A MEMBER OF THE FIRE DEPARTMENT, BECAUSE OF AN ACT OR OMISSION PERFORMED BY HIM IN THE ENFORCEMENT OR ANY PROVISION OF THIS BYLAW, SHALL BE DEFENDED BY THE MUNICIPALITY UNTIL FINAL DETERMINATION OF THE PROCEEDINGS;

AND THAT THE COUNCIL MAY BY RESOLUTION ADOPT THE JOB DESCRIPTION OUTLINING THE DUTIES AND RESPONSIBILITIES OF THE POSITION OF FIRE CHIEF AND SETTING THE RELATIONSHIP OF THE POSITION IN THE MANAGEMENT STRUCTURE;

AND THAT THE COUNCIL IS HEREBY AUTHORIZED TO ENTER INTO AGREEMENTS WITH OTHER MUNICIPALITIES OR PERSONS FOR THE JOINT USE, CONTROL AND MANAGEMENT OF FIRE EXTINGUISHING APPARATUS AND EQUIPMENT;

AND THAT COUNCIL MAY BY RESOLUTION AND WITH RESPECT TO EXTINGUISHING FIRES OR PRESERVING LIFE OR PROPERTY FROM INJURY OR DESTRUCTION BY FIRE ON LAND WITHIN OR OUTSIDE THE MUNICIPALITY PROVIDE FOR THE CHARGING OF ANY COST INCURRED OR A MINIMUM FEE, TO THE OWNER OR OCCUPANT OF THE LAND AND IN THE CASE OF FIRES ON LANDS WITHIN THE MUNICIPALITY, TO PROVIDE IN DEFAULT OF PAYMENT FOR CHARGING THE COST OR FEE AGAINST THE LAND AS TAXES DUE AND OWING IN RESPECT OF THAT LAND;

AND THAT IN THE EVENT OF A DISAGREEMENT WHICH POTENTIALLY COULD RESULT IN A WITHDRAWAL OF SERVICES BY THE VOLUNTEER FIRE DEPARTMENT, THE COUNCIL MAY BY RESOLUTION, PROVIDE FOR A FRAMEWORK OF OTHER VOLUNTEER FIREFIGHTERS, THAT THE OTHER VOLUNTEER FIREFIGHTERS WILL BE SUBJECT TO COUNCIL CONTROL AND APPOINTMENT AND THAT COUNCIL MAY DELEGATE ITS CONTROL AND

APPOINTMENT OF THE OTHER FIREFIGHTERS TO THE MUNICIPAL MANAGER OR THE FIRE CHIEF;

AND THAT BURNING PERMITS ISSUED BY ALBERTA ENVIRONMENTAL PROTECTION, FOREST SERVICES, ARE REQUIRED FOR ALL BURNING DURING APRIL 1 TO OCTOBER 31 OF EACH YEAR AND AT OTHER TIMES OF HIGH FIRE HAZARD AS DETERMINED BY ALBERTA ENVIRONMENTAL PROTECTION.

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AND THAT BURNING PERMITS WITH OR WITHOUT CONDITIONS ISSUED BY THE FIRE CHIEF OR HIS DESIGNATE ARE REQUIRED FOR ALL BURNING BETWEEN NOVEMBER 1 AND MARCH 31 IN THE FOLLOWING SETTLED AREAS: HAMLET OF EXSHAW, HAMLET OF LAC DES ARCS, HAMLET OF DEAD MAN'S FLATS, HAMLET OF HARVIE HEIGHTS, SETTLEMENT OF SEEBE, SETTLEMENT OF KANANASKIS AND HAMLET OF BENCHLANDS AS DEFINED ON THE ATTACHED MAPS AS BORDERED IN RED.

AND THAT THE FIRE CHIEF OR HIS DESIGNATE MAY ISSUE A PERMIT FOR OPEN AIR BURNING FOR:

- A) FIRE TRAINING EXERCISES
- B) BRUSH, STUMPS, SLASH AND LIKE MATERIAL RESULTING FROM THE CLEARING OF LAND
- C) FOR THE DISPOSAL OF CONSTRUCTION DEBRIS AT BUILDING SITES
- D) FOR NECESSARY BURNING BY THE MUNICIPALITY;

AND THAT NO PERSON, EVEN ONE TO WHOM A PERMIT IS ISSUED ABOVE, SHALL BURN ANY RUBBER TIRES, OIL, TAR, ASPHALT, SHINGLES, BATTERIES, PLASTIC MATERIAL, ANIMAL CADAVERS, TREATED LUMBER, RAILWAY TIES, OR ANY OTHER MATERIAL THAT WOULD PRODUCE HEAVY BLACK SMOKE;

AND THAT THE FIRE CHIEF OR HIS DESIGNATE, HAVING REGARD TO ALL CIRCUMSTANCES WHICH IN HIS SOLE OPINION MAY CREATE A HAZARD OR A NUISANCE MAY REFUSE TO ISSUE A PERMIT, OR MAY REVOKE A PERMIT ALREADY ISSUED. THEY MAY CAUSE OR ORDER THE EXTINGUISHMENT OF ANY FIRE REGARDLESS OF WHETHER A PERMIT HAS BEEN ISSUED OR NOT;

AND THAT EVERY PERSON WHO BURNS SHALL ENSURE THAT THE FIRE IS UNDER CONTROL AT ALL TIMES AND A A COMPETENT PERSON IS IN CHARGE OF THE FIRE

WHILE IT IS BURNING OR SMOLDERING AND UNTIL IT IS COMPLETELY EXTINGUISHED AND SHALL PROVIDE THAT PERSON WITH SUFFICIENT

APPLIANCE AND EQUIPMENT IN ORDER TO PREVENT THE FIRE FROM GETTING BEYOND CONTROL OR CAUSING DAMAGE OR BECOMING DANGEROUS TO LIFE AND PROPERTY;

AND THAT THE COUNCIL MAY AT ITS SOLE DISCRETION ESTABLISH AND CHARGE THE FEE TO BE PAID FOR THE ISSUANCE OF A BURNING PERMIT;

AND THAT THE REQUIREMENTS OF THIS BYLAW SHALL NOT BE CONSTRUED TO INCLUDE OR PREVENT THE BURNING OF WOOD BY RESIDENTS IN FIREPLACES, FIRE PITS AND ACCEPTABLE APPLIANCES BOTH INDOORS AND OUTDOORS;

AND THAT BYLAW 40/94 AND BYLAW 53/94 ARE HEREBY RESCINDED;

AND THAT THIS BYLAW SHALL TAKE EFFECT UPON FINAL READING THEREOF.

READ A FIRST TIME THIS 13TH DAY OF JUNE, A.D., 1995.

READ A SECOND TIME THIS 13TH DAY OF JUNE, A.D., 1995.

READ A THIRD AND FINAL TIME BY UNANIMOUS CONSENT THIS 13TH DAY OF JUNE, A.D. 1995.

[ORIGINAL SIGNED]
R E E V E

[ORIGINAL SIGNED]
MUNICIPAL ADMINISTRATOR