

BYLAW NO. 1517
of the
TOWN OF PINCHER CREEK

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF
PINCHER CREEK, IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF ESTABLISHING REGULATIONS
FOR FIRE AND AMBULANCE SERVICES IN
THE TOWN OF PINCHER CREEK.**

WHEREAS Section 7(a) of the *Municipal Government Act, Chapter M-26.1, R.S.A. and amendments thereto*, 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 WHEREAS the Council of the Town of Pincher Creek wishes to continue a fire service and an ambulance service within the Town and to provide for the efficient operation of such a fire service and ambulance service;

AND WHEREAS the Council of the Town of Pincher Creek and the Council of the Municipal District of Pincher Creek No. 9 jointly own and operate a fire and ambulance service for the Town and the Municipal District pursuant to an Emergency Services Agreement;

NOW THEREFORE the Council of the Municipality of the Town of Pincher Creek hereby enacts as follows:

DEFINITIONS

1. In this Bylaw:
 - a. **Town** means the Town of Pincher Creek;
 - b. **Council** means the Council of the Town of Pincher Creek;
 - c. **Councils** means the Councils of the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9;
 - d. **Dangerous Goods** means any material or substance that may constitute 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 the *Transportation of Dangerous Goods Regulations*;
 - e. **Emergency Services** means the provision of fire and ambulance services;
 - f. **Emergency Services Agreement** means the agreement and any amendments



thereto between the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9 concerning the ownership and operation of the fire and ambulance services, and consisting of, inter alia, all persons appointed or recruited to the various positions prescribed therein, all equipment, emergency units, materials and supplies used in the operation, maintenance and administration of Emergency Services, including fire and/or ambulance services;

- g. **Emergency Services Committee** means the Committee comprised of two (2) Council members from the Town of Pincher Creek and two (2) Council members from the Municipal District of Pincher Creek No. 9, who are responsible for the operation of the Emergency Services Agreement;
- h. **Emergency Unit** means any vehicle operated for emergency purposes whether on land, water, or in the air, by the Emergency Services;
- i. **Chief** means the person designated by the Emergency Services Committee to act as the Chief of Emergency Services, who is in charge of fire prevention activities;
- j. **Fire Protection** means all aspects of fire safety, including fire prevention, fire suppression, fire investigation, public education, training advising, and the dissemination of fire safety information;
- k. **Chief of Emergency Services** means the Manager of the Emergency Services who performs the duties and responsibilities of a General Manager/Fire Chief;
- l. **Incident** means a fire or a situation where an explosion is imminent or any other situation where there is a danger or a possible danger to health, life, property, or the environment and to which the Emergency Services has responded;
- m. **Member** means any person who is duly appointed or recruited to a position with the Emergency Services;
- n. **Patient** means a person who is receiving or appears to be in need of medical attention.



INTERPRETATION

2. Wherever the provisions of this Bylaw are at variance with each other, the more restrictive of the two provisions shall apply.
3. Where there is any conflict between the provisions of this Bylaw and any other Bylaw, the provisions of this Bylaw shall prevail.
4. Where there is any conflict between the provisions of this Bylaw and any other Provincial or federal legislation (ie: the *Safety Codes Act, Chapter S-0.5* and the *Alberta Fire Code, 1977*), the provincial and/or federal legislation shall prevail.

EMERGENCY SERVICES JURISDICTIONS

5. The Emergency Services shall consist of a Chief, Members, buildings, apparatus and equipment necessary to safeguard the health and welfare, and safety of people and to protect people and property, which shall be jointly owned and operated with the Municipal District of Pincher Creek No. 9 pursuant to the Emergency Services Agreement.
6. There shall be fire and ambulance stations so located as deemed necessary by the Emergency Services Committee for the proper control and prevention of fires and to protect people and property and to provide pre-hospital emergency medical care.
7. No Emergency Unit shall be used beyond the limits of the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9 without the permission of the Chief, except where duly approved contracts have been entered into with the Emergency Services for use of the said apparatus and where the appropriate bylaws have been duly enacted.

**POWERS AND DUTIES OF THE
EMERGENCY SERVICES COMMITTEE AND CHIEF**

8. The Emergency Services Committee shall purchase or otherwise acquire equipment, Emergency Units, materials and supplies required for the operation, maintenance and administration of the Emergency Services.



9. The Chief shall have, subject to the direction of the Emergency Services Committee, the full and complete control and authority over the Emergency Services, its Members, its organization, administration and discipline, including powers of promotion for merit, or reprimand, censure, suspension without pay or dismissal for neglected duty, insubordination or other cause.
10. The Chief shall, subject to the approval of the Emergency Services Committee, be authorized to establish rules, regulations, policies, and any committees necessary for the proper organization and administration of the Emergency Services governing:
 - a. the use, care and protection of Emergency Services' property;
 - b. the appointment, recruitment, conduct and discipline, duties and responsibilities of the Members of Emergencies Services;
 - c. the efficient operation of Emergency Services

Providing that any regulations, rules or policies made pursuant to this bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.

11. The Chief or his designate in charge at an Incident has the authority to cause a building or structure to be demolished or otherwise removed if the Chief or his designate or any other Member in charge deems it necessary to prevent the spread of fire to other buildings, structure or places.
12. The Chief or his designate in charge at an Incident is empowered to enter premises or property where the Incident occurred and to cause any Members, apparatus or equipment of the Emergency Services to enter as he deems necessary in order to combat, control or deal with the Incident.
13. The Chief or his designate, at any Incident, shall also have the power, if he shall deem it necessary, for the protection of any building or other property to enter or pass through, or to cause Members of the Emergency Services to enter or pass through, any building or premise adjacent or near the scene of the Incident, or to convey through or to use to operate through, in or from such adjacent or nearby building or premise any Emergency Units or equipment which he shall deem necessary.



14. The Chief or his designate, at any Incident, may, in his discretion, prescribe the limits in the vicinity of the Incident within which , until he removes or changes such limits, no person or vehicle shall be permitted to come, unless such person be a regular Member of the Emergency Services or a Police Department, or be admitted by order of the Chief, and any person who shall, without permission, enter upon any portion of such limits herein specified during the time the same shall be so closed, shall be subject to the penalties of this Bylaw.
15. Pursuant to Paragraph 14, the Chief or his designate shall be authorized to call upon Police Officers to enforce restrictions on persons entering within boundaries or limits established as outlined by the Chief or his designate.
16. The Chief may obtain assistance and support from other officials of the Town as he deems necessary in order to discharge his duties and responsibilities under this Bylaw, and other officials of the Town shall provide such assistance forthwith when so requested.
17. The Chief shall be responsible for all fire protection, pre-hospital medical emergency, rescue and Dangerous Goods matters, including the enforcement of the Safety Codes Act and the Ambulance Services Act of the Province of Alberta, and any regulations thereunder.
18. The Chief or his designate in charge of an Incident shall have the power to commandeer and authorize payment for the possession or use of any equipment necessary for the purpose of mitigating an Incident.

FEE FOR SERVICES OF THE EMERGENCY SERVICES

19. The Emergency Services may:
 - a. charge fees for any services provided by the Emergency Services;
 - b. notwithstanding part (a) above, a fee schedule for Fire/Rescue Emergency Services may be approved by the Emergency Services Committee.



DISCHARGE OF DUTIES

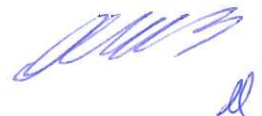
20. It shall be the duty of each Member of the Emergency Services, while performing his or her duties, to carry any identification card issued by the Emergency Services.
21. The Chief or any employee charged with the enforcement of this Bylaw, acting in good faith and without malice for the Town in the discharge of his or her duties, should not hereby render himself or herself liable personally and he or she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties.

FIRE PREVENTION BRANCH

22. Within the Emergency Services, there shall be a branch, which shall have as its responsibility the enforcement of provisions of the Safety Codes Act and its regulations, this Bylaw and such other duties as the Chief may delegate.
23. The head of the Fire Prevention Branch referred to in Paragraph 22 shall be the Chief or his designate, whose direction shall come from the Chief.
24. The Chief or his designate shall establish a schedule of inspection frequency for each building, structure or place in the Town based on the age, use and occupancy of that building, structure or place.
25. Notwithstanding the schedule referred to above, any Member of the Emergency Services may inspect any building, structure or place upon receipt of a complaint regarding that building, structure or place.

REQUIREMENT TO REPORT

26. The owner or authorized agent of any property damaged by fire shall immediately report to Emergency Services particulars of the fire which are satisfactory to the Chief or his designate.
27. The owner or authorized agent of any property containing a Dangerous Goods product which sustains accidental or unplanned release of the Dangerous Goods product shall immediately report to Emergency Services particulars of the release which are satisfactory to the Chief or his designate.



AUTHORIZATION FOR BURNING OF COMBUSTIBLE MATERIALS

- 27. No burning shall be allowed within the limits of the Town of Pincher Creek, with the exception of pits approved by the Chief or his designate.
- 29. Nothing in this bylaw shall prevent the Fire Department, under direction of the Chief or his designate from burning any combustible materials anywhere within the limits of the Town of Pincher Creek.

VIOLATIONS AND PENALTIES

- 30. No person shall in any way impact or hinder any Member of the Emergency Services or person who shall be assisting in extinguishing any fire, or mitigating a medical emergency or acting under the directions of the Chief, or performing any other duties provided for in this Bylaw, and no person shall move any fire hose or drive a vehicle over any fire hose at any fire without permission of the Emergency Services Member in charge.
- 31. No person shall place or cause to be placed any matter or thing so as to obstruct or interfere with the operation or use of any fire hydrant, Emergency Services water inlet or outlet connections on buildings, fire alarm control panels, manual alarm stations or any fire detection device or equipment.
- 32. No person, other than an employee of the Town Public Works Department or a Member of the Emergency Services shall use a fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from an Official of the Towns Public Works Department.
- 33. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, cisterns or bodies of water designated for firefighting purposes.
- 34. Any person who in any way obstructs, prevents or refuses to admit a fire Inspector or Investigator in, to or upon any land, premises, yards or buildings for the purpose of inspecting or investigating on the same or who incites or abets such, shall be considered in breach of this Bylaw.




35. No person shall willfully or maliciously destroy or injure any property at a fire or any Emergency Units belonging to the Emergency Services.
36. No person shall falsely represent himself to be an employee or Member of, or connected with, the Emergency Services.
37. No person shall wear, use or have in his or her possession or under his or her control any official badge, identification card, insignia, button, cap, helmet or uniform of the Emergency Services unless such person is a regular or retired Member of the said Emergency Services and has direct and specific authority to wear or have in his or her possession or under his or her control such items.
38. No person shall use or have in his or her possession or under his or her control any key for any Emergency Services vehicle or building, or key for any fire alarm or elevator control key box within the Town unless directly and specifically authorized so to do by the Chief.
39. No person, unless authorized by the Chief for practice purposes, shall, by use of a fire alarm, telephone, or any other method normally used make or cause to be made any false alarm.
40. No person shall falsely state that he has the sanction of the Emergency Services in soliciting any person or company on any matter.
41. Any person who refuses to provide or furnish any information required under this Bylaw when requested by a Member of the Emergency Services, or who encourages such, shall be considered in breach of this Bylaw.
42. 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 not act or omits any act or thing thus violating any of the provisions of this Bylaw, shall be deemed to be guilty of any infraction of this Bylaw, and upon a summary conviction liable to imprisonment for a term of not more than six (6) months or to a fine of not more than TWO THOUSAND



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(\$2,000.00) DOLLARS or to both a fine and imprisonment.

43. The Chief shall be authorized to cause to be issued and served violation tickets for violations of this Bylaw.

MISCELLANEOUS

44. It is the intention of Town Council that each separate provision of this bylaw shall be deemed independent of all other provisions herein and it is further the intention of Town Council that if any provisions of this bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

TRANSITIONAL CLAUSE

45. Bylaw #1364 and Bylaw 1364-B and amendments thereto are hereby repealed.


EFFECTIVE DATE

46. This bylaw comes into force and effect upon final reading thereof.

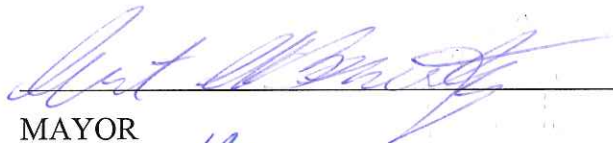
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Read a first time this 25 day of June, 2001, A.D.


MAYOR

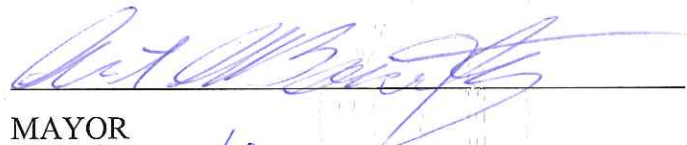

CAO

Read a second time this 25 day of June, 2001, A.D.


MAYOR


CAO

Read a third time this 25 day of June, 2001, A.D.


MAYOR


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