

**BYLAW #2018-801  
VILLAGE OF CARBON  
IN THE  
PROVINCE OF ALBERTA**

**A BYLAW OF THE VILLAGE OF CARBON, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES.**

**WHEREAS**, the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, 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 *Safety Codes Act*, R.S.A. 2000, c. S-1, enables an accredited municipality to make Bylaws respecting fees for services provided pursuant to the Act and carrying out its powers and duties as an accredited municipality;

**AND WHEREAS**, the Village of Carbon is an accredited municipality under the Safety Codes Act in the Fire Discipline under Fire Accreditation No. J000137

**NOW THEREFORE**, under the authority of the Municipal Government Act, the Council of the Village of Carbon duly assembled **ENACTS AS FOLLOWS**

**SECTION 1: NAME**

1.1 This Bylaw may be cited as the **"Village of Carbon Fire Department Bylaw"**

**SECTION 2: DEFINITIONS**

2.1 In this Bylaw:

- a) "Apparatus" means any vehicle equipped with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport fire fighters or supplies;
- b) "Chief Administrative Officer or CAO" means that person appointed to the position and title by the Municipal Council of the Village of Carbon and includes any person appointed by the Chief Administrative Officer to act as his or her appointee;
- c) "Council" means the Council of the Village of Carbon;
- 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. It shall include those products, substances and organisms described in the Dangerous Goods Transportation and Handling Act, R.S.A. 2000, c D-4, as amended, and the regulations promulgated there under;

- e) "Enforcement Officer" means any member of the Royal Canadian Mounted Police who is a peace officer, or a Bylaw Enforcement/Peace Officer of the Municipality;
- f) "Equipment" means any tools, devices, or materials used by the Fire Department to combat an Incident or other emergency;
- g) "False Alarm" means any notification to the Fire Department or any Member thereof respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or property, wherein such a condition, circumstance or event is in fact not in existence;
- h) "Fire" means the burning of any flammable or combustible material, or any combustible material in a state of combustion;
- i) "Fire Chief" means the person appointed by Council
- j) "Fire Department" means the fire department established by Council pursuant to this Bylaw.
- k) "Fire Department Property" means all property owned or controlled by the Municipality and designated for use by the Fire Department, regardless of the source of the Property;
- l) "Fire Protection" means all aspects of fire safety including, but not limited to, fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising;
- m) "Incident" means a fire, a situation where an explosion is imminent, a medical emergency (such as a motor vehicle accident) and any other situation where there is danger, or a possible danger to life or property;
- n) "Incident Commander" means the member of the Fire Department who is responsible for the coordination and execution of overall strategy and fire protection tactics involved in combatting an Incident;

- o) "Kneehill County Master Fire Protection Agreement" means the agreement executed between Kneehill County and the Villages of Kneehill County, for the provision of Fire Protection Services within the borders of Kneehill County, as amended from time to time.
- p) "Member" means any person who has received the approval of the majority of the Fire Department's Officers to be a volunteer member of the Fire Department;
- q) "Municipality" means the municipal corporation of the Village of Carbon, in the Province of Alberta, and where the context requires, means all lands situated within the corporate boundaries of the Village of Carbon;
- r) "Officer" refers to a Deputy Chief or Captain selected in accordance with the provisions and eligibility requirements outlined in the Carbon Fire Department Standard Operating Guidelines,
- s) "Property" means any real or personal property including, but not limited to, land and structures;
- t) "Scene" means the area beyond or surrounding an incident, in which emergency vehicles or personnel are located;

### **SECTION 3: FIRE DEPARTMENT**

- 3.1 Council hereby establishes the Village of Carbon Fire Department for the purpose of:
  - 3.1.1 Providing Fire Protection Services;
  - 3.1.2 Preventing, combating and extinguishing fires and/or incidents;
  - 3.1.3 Investigating the cause and origin of fires and/or incidents;
  - 3.1.4 Preserving life and Property and protecting persons and property from injury or destruction by fire or incident;
  - 3.1.5 Operating apparatus and equipment for the purpose of extinguishing fires or incidents and preserving life and property;
  - 3.1.6 Fulfilling obligations under approved Fire Protection Agreements;
  - 3.1.7 Providing public education about fire safety;
  - 3.1.7 Carrying out fire inspections and prevention patrols;
  - 3.1.8 Pre-fire and emergency planning and practice;
  - 3.1.9 Providing initial first response to medical incidents; and
  - 3.1.10 Providing rescue services;

Each shall be performed by the Village of Carbon Fire Department to the level of service adopted by Council, in the Carbon Fire Department Operating Guidelines, which shall not be inconsistent with the legislation and regulation of the Province of Alberta, or the Kneehill County Master Fire Protection Agreement.

#### **SECTION 4: FIRE CHIEF APPOINTMENT AND DUTIES**

- 4.1 The Fire Chief shall be appointed by Council
- 4.2 The Fire Chief shall be responsible to the CAO and shall be required to report directly to the CAO on a quarterly basis or as per the discretion of Council.
- 4.3 The Fire Chief has complete responsibility and authority over the Fire Department.
- 4.4 The Fire Chief will ensure that the Carbon Fire Department is at all times compliant with the requirements and provisions set out in the Kneehill County Master Fire Protection Agreement.

#### **SECTION 5: OFFICER APPOINTMENT AND DUTIES**

- 5.1 Deputy Chiefs shall be selected by a vote of the members (excluding Probationary and Junior Members) of the Carbon Fire Department (in accordance with the provisions and eligibility requirements outlined in the Carbon Fire Department Standard Operating Guidelines).
- 5.2 Captains shall be selected by the Fire Chief in agreement with the Deputy Fire Chiefs, in accordance with the provisions and eligibility requirements outlined in the Carbon Fire Department Standard Operating Guidelines.
- 5.3 An Officer shall:
  - 5.3.1 Function as an Incident Commander, as required or upon request by the Fire Chief;
  - 5.3.2 Assist the Fire Chief in ensuring that all fire reports, incident and accident reports, and any and all other reports required by this Bylaw, the Kneehill County Master Fire Agreement, and the legislation and regulations of the Province of Alberta are completed and submitted in a clear, concise, and timely manner;

- 5.3.3 Assist the Fire Chief in establishing rules, requirements, policies, and procedures for the efficient and safe operation of the Fire Department;
- 5.3.4 Assist the Fire Chief in maintaining a liaison with federal and provincial governments and Council on matters relating to the Fire Department;
- 5.3.5 Organize and assume responsibility for Fire Department resources, apparatus, and equipment, as required;
- 5.3.6 Provide leadership to Members and develop and implement long-range plans and programs;

## **SECTION 6: MEMBER APPOINTMENT**

- 6.1 An individual interested in becoming a Member of the Carbon Fire Department shall be eligible for consideration if he or she:
  - 6.1.1 Has met the requirements set out in the Fire Department's Standard Operational Guidelines, and any provincial Occupational Health and Safety program or training;
  - 6.1.2 Has received the approval of the majority of the Fire Department's Officers following a probationary period; and
  - 6.1.3 Has demonstrated that he or she is in a reasonable physical condition to perform the duties required of a Member by the Fire Department.
- 6.2 An individual interested in applying to become a Member of the Carbon Fire Department shall supply the Fire Chief with the following:
  - 6.2.1 A photocopy of a valid Alberta driver's license;
  - 6.2.2 Any other information deemed necessary by the Fire Chief to establish compliance with the requirements of the Province, the Municipality, and the Kneehill County Master Fire Protection Agreement.
  - 6.2.3 Individuals under the age of eighteen (18) may assist in specific non-emergency functions with written parental consent to do so, and as approved by the Fire Chief as per Carbon Fire Department Standard Operating Guidelines.

- 6.2.4 If a Member's driver's license is suspended for any reason, the Member shall immediately inform the Fire Chief.

## **SECTION 7: POWERS OF FIRE CHIEF**

- 7.1 The Fire Chief may establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including, but not limited to:

- 7.1.1 Use, care and protection of Fire Department Property;
- 7.1.2 Conduct and discipline of Officers and Members of the Fire Department;
- 7.1.3 Efficient operations of the Fire Department;
- 7.1.4 Training of Officers and Members of the Fire Department;

Such rules, regulations and policies shall be consistent with the legislation and regulations of the Province of Alberta and the provisions of the Kneehill County Master Fire Protection Agreement.

- 7.2 The Fire Chief may obtain assistance from other Village of Carbon officials as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.

## **SECTION 8: POWERS OF INCIDENT COMMANDERS**

- 8.1 The Incident Commander shall have control, direction and management of any Fire Department apparatus, equipment or manpower, assigned to an Incident and he or she shall continue to act until relieved by an Officer authorized to do so.
- 8.2 The Incident Commander may at his or her discretion establish boundaries or limits at the incident or scene. The Incident Commander shall then have control to allow or disallow entrance or exit to and from the scene or incident.
- 8.3 The Incident Commander may request Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 8.2.
- 8.4 The Incident Commander is empowered to enter any property (without a warrant) and to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an Incident, including:

- 8.4.1 Passing through or over buildings or property adjacent to an incident, and direct 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;
- 8.4.2 Ordering the evacuation of any building or area which is directly or indirectly involved in an Incident; and
- 8.4.3 Causing a building, structure or thing to be pulled down, demolished or otherwise removed;

## **SECTION 9: POWERS OF MEMBERS**

- 9.1 Each Member shall have the authority and power to:
  - 9.1.1 Require any able-bodied adult person to assist in extinguishing fires and to assist in the prevention or spread thereof;
  - 9.1.2 Commandeer and authorize payment for the possession or use of any equipment for the purposes of fighting an active fire or incident;
  - 9.1.3 Obtain from every person found entering or leaving the scene, that person's name, address and an account of his or her activities regarding the fire or incident;
  - 9.1.4 Without a warrant, enter on or into any property except a private dwelling house, for the purpose of discharging his or her duties under this Bylaw;
  - 9.1.5 Without warrant, enter any private dwelling house which is on fire or which seems to be on fire, and proceed to extinguish the fire or prevent the spread thereof;
  - 9.1.6 Assume the role of Incident Commander until such time as an Officer is available to relieve command;
  - 9.1.7 Prevent the interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of the fire or incident;

## **SECTION 10: REQUIREMENT TO REPORT**

- 10.1 The owner of any Property damaged by Fire shall, either personally or by agent, immediately report the particulars of the Fire to the Fire Department in a manner set out and in accordance with the Safety Codes Act R.S.A. 2000, c. S-1, as amended.
- 10.2 The owner of any Property upon with Dangerous Goods have been spilled or released shall, either personally or by agent, immediately report particulars of such spill or release to the Fire Department.

### **SECTION 11: CONTROL OF FIRE HAZARDS**

- 11.1 If Council finds within the Village's boundaries, on privately owned land or occupied public land, conditions that, in its opinion, constitute a Fire Hazard, it may order the owner or the person in control of the Land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the Village.
- 11.2 If Council finds that the order it made pursuant to Section 11.1 has not been carried out, a Designated Officer may enter onto the land with any equipment and any person he/she considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.
- 11.3 The owner or occupant of the land on which work was performed pursuant to Section 11.2 shall, upon demand, pay to the Village a Fire Protection Charge and in default of payment of the Fire Protection Charge, the Village may add the Fire Protection Charge to the tax roll of the said land, which forms a special lien against the land in favor of the Village, from the date it was added to the tax roll.
- 11.4 The owner or occupant of the land on which work was performed pursuant to Section 11.2 may also be guilty of an offence and liable for a fine as per Schedule "B" of this Bylaw.

### **SECTION 12: FIRE PROTECTION CHARGES**

- 12.1 Upon the Village issuing an order or taking steps under Sections 11.1 or 11.2, or upon the Fire Department providing Fire Protection Services to a property within or outside the Village boundaries, the Village may in its sole and absolute discretion charge any or all of the following persons, namely:



- 12.1.1 The person causing or contributing to the Fire; or
- 12.1.2 The owner or occupant of the property which is the subject of the Order, or Fire Protection Services;
- All individuals charged are jointly and severally responsible for payment of the Fire Protection Charge to the Village;
- 12.2 The schedule of fees for Fire Protection Charges are set out in **Schedule "A"** attached hereto and forming part of this Bylaw.
- 12.3 A Fire Protection Charge may be imposed in the event of a False Alarm.
- 12.4 Should the situation warrant; a Fire Protection Charge may be imposed as per Schedule "A" in addition to a Penalty charged per Schedule "B".
- 12.5 The Members are hereby authorized to act as an agent of the Village in the collection of the Fire Protection Charge.
- 12.6 The Fire Department, after reasonable efforts to collect the Fire Protection Charge, may request assistance from the Village to collect the Fire Protection Charge.
- 12.7 A Fire Protection Charge shall be paid within thirty (30) days of being levied.
- 12.8 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Village is entitled to place on the property in respect of which the indebtedness is incurred.
- 12.9 The owner of a parcel to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Village may add to the tax roll of a parcel of land all unpaid Fire Protection Charges and interest charges accrued one hundred and twenty (120) days after the Fire Protection Charge has been levied.

### **SECTION 13: PROHIBITIONS**

- 13.1 No person shall impede, obstruct, abuse or in any way hinder a Fire Chief, Incident Commander, or any Officer or Member the Fire Department, at any incident or at any time during the execution of their duties assigned by this Bylaw.

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- 13.2 No person shall interfere, obstruct, or in anyway hinder Fire Department equipment or apparatus, in the execution of duties assigned by this Bylaw.
- 13.3 No person shall place or leave in place, any vehicles, article, thing or matter in such a manner as to interfere with free access or approach to any fire hydrant or service connection.
- 13.4 No person shall move any fire hose, or drive a vehicle over any fire hose at any fire without permission of the Fire Chief.
- 13.5 No person other than an employee of the Village of Carbon Public Works Department or a Member of the Department shall use any fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from the Village Foreman or Fire Chief.
- 13.6 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, or bodies of water designated for firefighting purposes.
- 13.7 Any person who in any way obstructs, prevents, or refuses to admit a Safety Codes Officer, Fire Inspector or Investigator in, to or upon any land, premises, yards or buildings for the purpose of investigating, or who incites or abets such action shall be considered in breach of this Bylaw. The Safety Codes Officer(s) for the Village of Carbon shall have all powers as provided for in the Safety Codes Act with reference to the Fire Discipline.
- 13.8 No person shall willfully or maliciously destroy or injure any property at a fire or any Apparatus or Equipment belonging to the Department.
- 13.9 No person shall falsely represent himself or herself as an employee, or Member of, or connected with the Department.
- 13.10 No person shall wear, use or have in his possession or under his control any official badge, identification or uniform of the Department except with the express written consent of the Fire Chief.
- 13.11 No person shall falsely state that he has the sanction of the Department in soliciting any person, agency, society or company on any matter.
- 13.12 Any person who refuses to provide or furnish any information required under this Bylaw, when requested shall be in breach of this Bylaw.
- 13.13 No person shall allow his or her property, whether owned or occupied, to become a fire hazard through,

- a) the accumulation of combustible materials, or;
- b) Lack of maintenance to the property or the structures upon it, or
- c) any contravention of municipal, provincial or federal regulations;

## SECTION 14: PENALTIES

### 14.1 Any person who:

- 14.1.1 Violates any provision of this Bylaw;
- 14.1.2 Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- 14.1.3 Neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
- 14.1.4 Does any act or thing or omits any act or thing, thus violating any provision of this bylaw;

Is guilty of an offence under of this Bylaw, and upon conviction is liable for a fine as set out in the Schedule "B" attached hereto and forming a part of this Bylaw.

- 14.2 At the discretion of the CAO, a summons may be issued in respect of a Bylaw offence.
- 14.3 If a summons is issued in respect of an offence, the summons must specify the fine amount established by the Bylaw for the offence.
- 14.4 A person who is charged with an offence may, pay the fine amount established by the Bylaw for the offence as enumerated on Appendix B attached hereto, and if the amount is paid on or before the required date on the summons the person will not be prosecuted for the offence.
- 14.5 A person found guilty of an offence is liable to a fine in an amount not less than that specified in Schedule "B" of this Bylaw, and to imprisonment of not more than one year for non-payment of the fine.
- 14.6 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.

## SECTION 15: NOTICE

- 15.1 Any Notice or Summons provided for in this Bylaw shall be in writing.

- 15.2 Service of any Notice or Summons provided for in this Bylaw may be made as follows
- 15.2.1 Personally upon the person to be served; or
  - 15.2.2 By mailing the copy to the person to be served by double registered mail or certified mail to the last known post office address of the person to be served and service shall be deemed to be affected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf;
  - 15.2.3 Where the Property is not occupied, by mailing the notice by double registered mail or certified mail to the mailing address noted on the Village's tax roll for that Property, and service shall be deemed to be completed at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf; or
  - 15.2.4 As directed by the court

## **SECTION 16: JURISDICTION**

- 16.1 The limits of the jurisdiction of the Fire Chief, Officers, Members and Apparatus of the Carbon Fire Department will extend to the area and boundaries of the Village of Carbon and the area and boundaries of the Master Fire Services Agreement executed between the Village of Carbon and the County of Kneehill, and no part of the fire apparatus or service shall be used beyond these limits without the express authority of a written contract or mutual aid agreement.

## **SECTION 17: LIABILITY**

- 17.1 The CAO and his/her designated officers, Village of Carbon Enforcement Officers, and the Fire Chief and all Members of the Carbon Fire Department are not liable for loss or damage caused by anything said or done, or omitted to be done in the performance or intended performance of their functions, duties or powers assigned by this Bylaw, unless the circumstances constitute dishonesty, gross negligence or willful misconduct.

## **SECTION 18: INTERPRETATION**

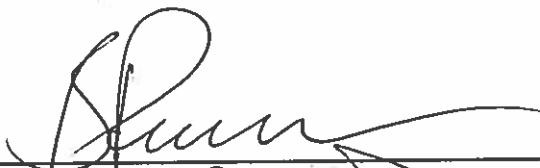
- 18.1 Should any section or part of this Bylaw be found to be improperly enacted, or outside the Village's jurisdiction, for any reason, then such section or part will be regarded as being severed and the remaining sections will remain effective and enforceable.
- 18.2 Should a provision of this Bylaw be in conflict with a provision of the Kneehill County Master Fire Agreement, the provisions of the Kneehill County Master Fire Agreement shall prevail.
- 18.3 Wherever the provision of this Bylaw are at variance with each other, the more restrictive of the two (2) provisions shall apply.
- 18.4 Wherever a provision of the Bylaw is in conflict with the provision of another Bylaw of the Village, the provisions of this Bylaw shall apply.
- 18.5 This Bylaw will function in conjunction with the Village of Carbon's Quality Management Plan, Standard Operating Guidelines, and Occupational Health and Safety program.


## **SECTION 19 GENERAL PROVISIONS**

- 19.1 Where the singular and/or masculine are herein used, the plural and feminine should also be inferred where appropriate.
- 19.2 Bylaw #561 and all amendments thereto are hereby repealed.
- 19.3 This Bylaw shall come in force and effect on the date of the third and final reading and signing thereof.

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Read a first time this 29th day of January, 2018  
Read a second time this 29th day of January, 2018.  
Given unanimously consent for third reading 29 January, 2018  
Read a third and final time this 29th day of January, 2018

  
\_\_\_\_\_  
GUSS NASH  
MAYOR  
BRYAN ~~PELTON~~ DEP MA

  
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JOHN BRODRICK  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE A**  
**FIRE PROTECTION SERVICE FEES**

- A.1 Fire and Emergency Apparatus will be billed as per the current Alberta Transportation rates.
- A.2 Any other fire related cost including, but not limited to, heavy equipment, private water haulers, specialty equipment and investigative costs, may be billed at the Village's cost for providing the service.

**SCHEDULE B**

**THE VILLAGE OF CARBON'S SPECIFIED PENALTIES/FINES**

**ALL PENALTIES/FINES ARE IN ADDITION TO ANY COSTS INCURRED BY THE VILLAGE OF CARBON OR THE CARBON FIRE DEPARTMENT, IN RELATION TO THE OFFENCE.**

Section	Offence	1st Offence	2nd Offence	3rd Offence
13.1	Impeding the efforts of Fire Department Members, in the execution of their duties as assigned in this bylaw.	1,000	1,500	2,500
13.2	Interfering with Fire Department equipment or apparatus in the execution of duties assigned by this Bylaw.	1,000	1,500	2,500
13.6	Obstructing or interfering with access roads, streets or other approaches to any fire hydrant or water supply.	1,000	1,500	2,500
13.5	Use of fire hydrant without proper consent.	5,000	10,000	10,000
13.7	Obstructing the efforts of a Safety Codes Officer, Fire Inspector or Investigator, or Enforcement Officer.	1,000	1,500	2,500
13.8	Damaging or destroying Fire Department property.	1,000	1,500	2,500
13.9	Falsely representing oneself as a member or employee of the Carbon Fire Department.	500	500	500
13.10	Unauthorized wearing or possession of a Carbon Fire Department badge, uniform or identification.	500	500	500
10.2	Failing to report a spill of Dangerous Goods as required by this Bylaw.	750	1,000	1,500
13.12	Refusing to provide information (or providing false or misleading information) when required to do so by this Bylaw.	500	500	500
13.13	Allowing property to become a fire hazard.	1,000	1,000	1,000