

**BY-LAW NO. 674/00**

Being a By-law of Clearwater County, in the Province of Alberta, hereinafter referred to as the "Clearwater County Fire By-law", to provide for the establishment and operation of municipal fire department(s).

WHEREAS Section 7(a) of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 and amendments thereto provides that the council of a municipality may pass a by-law for municipal purposes respecting the following matter: the safety, health and welfare of people and the protection of people and property.

NOW, THEREFORE, the Council of Clearwater County, in the Province of Alberta, duly assembled, does hereby authorize the establishment of municipal fire department(s) and carrying out of its operations in the following manner:

1. In this by-law words and phrases shall be construed as specified hereunder:

"Apparatus" - means any vehicle provided with machinery, devises, equipment or materials for fire fighting as well as vehicles used to transport fire-fighters or supplies.

"Council" - means the Council of Clearwater County.

"Equipment" - means any tools, contrivances, devices or materials used by the fire department to combat an incident or other emergency.

"Regional Fire Chief" - means the person appointed by Council to co-ordinate and administer fire protection activities within the corporate boundaries of Clearwater County.

"Fire Chief"- means the members appointed as head of the Fire Department(s), and, for the purposes of fire suppression and other related incident duties within this by-law, includes the Regional Fire Chief.

"Fire Department" - means a department of Clearwater County established by Council, and under the direction of a Fire Chief, for the purpose of carrying out fire protection duties within the Municipality, and shall mean the departments of Caroline, Condor, Leslieville, Nordegg, and Rocky Mountain House.

"Fire Protection" - means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, rescue service, pre-fire planning, fire investigation, fire inspection, 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 duly appointed by the Fire Chief as a member of the Fire Department.

2. The Regional Fire Chief, Fire Chiefs, and Deputy Fire Chiefs shall be appointed by Council.

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3. Other officers and positions as the Fire Chief deems necessary may be appointed to the Fire Department with the approval of Council.
4. The Fire Chief may delegate to other officers of the Fire Department the duties of Fire Chief.
5. In the event that a Mutual Aid Agreement is not in effect, 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 Clearwater County, and no part of the fire apparatus shall be used beyond the limits of the municipality without the express authorization of Council through the Municipal Manager, the Assistant Municipal Manager or the Regional Fire Chief.
6. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Council to which he shall be responsible, and in particular shall be required to organize and manage all fire protection activities and such other activities such as Council directs including, but not limited to:
  - (a) Fire Suppression
  - (b) Rescue
  - (c) Pre-Fire Planning
  - (d) Other Related Incidents
7. The Regional Fire Chief may, at his discretion or at the request of the local Fire Chief assume scene command relating to fire suppression, rescue, or other related incidents.
8. The Fire Chief, subject to review by the Regional Fire Chief, and to ratification by Council shall establish rules, regulations, standard operating guidelines and committees necessary to ensure the organization, administration and delivery of fire protective services within the Municipality including:
  - (a) Protection of Fire Department members.
  - (b) Use, care and protection of Fire Department equipment and apparatus.
  - (c) The conduct and discipline of officers and members of the Fire Department.
  - (d) Efficient operation of the Fire Department.
9. 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.
10. The Regional Fire Chief, as directed by Council, shall be responsible for fire protection matters including the enforcement of the Safety Codes Act and Regulations, the Alberta Fire Code, this by-law and other assigned duties within the boundaries of the Municipality.
11. Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by Council, and the Fire Chief shall report to the Regional Fire Chief on the operations of the Fire Department or any other related matter in the manner designated by Council.

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12. The Regional Fire Chief shall report to Council on the operations of the Fire Department(s) annually, or in the manner designated by Council.
13. The Fire Chief, or any other 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.
14. The Fire Chief, or any other 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.
15. The Fire Chief or any member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering within the prescribed boundaries or limits unless authorized to enter by him.
16. No person shall enter the boundaries or limits of an area prescribed in accordance with section 15 unless he has been authorized to do so by the Fire Chief or the member in charge.
17. The Fire Chief or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 15.
18. 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, 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.
19. The Fire Chief or the member in charge may obtain assistance from any other officials of the Municipality as he deems necessary in order to discharge his duties and responsibilities under this by-law.
20. 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.
21. No person shall damage or destroy Fire Department apparatus or equipment.
22. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
23. No person shall obstruct a member from carrying out duties imposed by this by-law.
24. No person shall falsely represent themselves as a Fire Department member or wear or display any badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

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25. 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.
26. 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. These persons will then be considered temporary members for the duration of the incident or until released by the Fire Chief or the member in charge.
27. 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.
28. Every person who violates any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act or thing or omits any act or thing thus violating any of the provisions of this by-law, shall be deemed to be guilty of an infraction of this by-law, 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 \$10,000.00, or to both fine and imprisonment.
29. The Regional Fire Chief, the Fire Chief or a member of the Fire Department charged with enforcement of this by-law, acting in good faith and without malice for the Municipality in the discharge of his duties, shall not hereby render himself liable personally and he is relieved hereby from all personal liability for any damage that may 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.
30. Any suit brought against the Regional Fire Chief, the Fire Chief or a member of the Fire Department, because of an act or omission performed by him in the enforcement of any provision of this by-law, shall be defended by Clearwater County until final determination of the proceedings.

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READ A FIRST TIME this 11th day of July A.D., 2000.

  
REEVE

  
MUNICIPAL MANAGER

READ A SECOND TIME this 11th day of July A.D., 2000.

READ A THIRD AND FINAL TIME this 11th day of July A.D., 2000.

  
REEVE

  
MUNICIPAL MANAGER