

BYLAW NO. 2015-03

Being a Bylaw of the Town of Rainbow Lake to provide for the Establishment and Operation of a Fire Department

WHEREAS the Municipal Government Act, RSA 2000, c. M - 26, as amended, provides that a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and for services provided by or on behalf of the municipality;

NOW THEREFORE, the Council of the Town of Rainbow Lake, in the Province of Alberta, duly assembled, does hereby authorize the establishment of a municipal fire department and the carrying out of its operations in the following manner:

1. In this bylaw words and phrases shall be construed as specified hereunder:

“Apparatus” means any vehicle of the Fire Department provided with machinery, devices, equipment or materials of the Fire Department as well as vehicles used to transport firefighters or supplies.

“Council” means the Council of the Town of Rainbow Lake.

"Chief Administrative Officer" (CAO) means that person appointed to the position and title of Chief Administrative Officer by the Council of the Town of Rainbow Lake.

“Equipment” means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

“Chief” means the Chief of the Fire Department appointed by the Council to carry out the provision of this bylaw.

“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, situation where a fire or explosion is imminent or any other situation presenting a danger to life or property and to which the Fire Department has responded.

“Pit Fire” means a fire which is totally confined within a noncombustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size on larger than 13 millimeters and which is ventilated in such a manner as to preclude the escape of combustible

materials including ash, and which fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane.

“Permit” means the written authority of the Fire Chief issued pursuant to this bylaw.

2. The Fire Chief shall be appointed by the CAO.
3.
  - (a) Other Officers as the Fire Chief deems necessary will be recommended in accordance with Fire Department policy to the Council for approval and appointment.
  - (b) All members (non-officers) as the Fire Chief deems necessary will be selected in accordance with Fire Department policy for approval and appointment by the Fire Chief.
4. A. The Fire Chief shall be responsible for:
  - (a) the Fire Department, subject to the direction and control of the Council, to which he shall be responsible and be required to carry out fire protection activities and other activities as the Council directs.
  - (b) establishing policy and regulation for proper organization of the Fire Department. All policy and regulation will be presented to the Council for ratification prior to implementation.
  - (c) fostering fire prevention and keeping the citizens informed on fire hazards in the community and on the activities of the Fire Department.
  - (d) keeping a permanent record of all fires and causes thereof and to make a monthly written report to the Council.
  - (e) keeping a permanent record of all inspections conducted and requests issued to remedy fire hazardous conditions and to make a monthly written report to the Council.
  - (f) directing and regulating the conduct of all persons present at, or assisting in the suppression of a fire.
  - (g) investigation or causing an investigation, in a general way, the origin and circumstance of every fire occurring within his jurisdiction, ascertaining whether the fire was a result of negligence, carelessness, accident or design and reporting any

all suspicions to the Provincial Fire Commission.

- (h) ensuring that all Fire Department personnel are trained and familiar with all department policies, and apparatus and use thereof by holding practices and instruction periods in fire prevention, hazards, fire fighting, inspection work and other subjects of value at least once monthly, to increase department efficiency.

4. B. The Fire Chief may:

- (a) obtain assistance from other officials or the municipality, as he deems necessary in order to discharge his duties and responsibilities.
- (b) call upon police officers to enforce restrictions on persons entering within boundaries or limits set to keep persons from entering any area considered dangerous for unauthorized entry.
- (c) restrict persons from obstructing or interfering with access roads or streets or other approaches to any fire alarm, fire hydrant or body of water designated for fire fighting purposes or any connections to a fire main, pipe or sprinkler system for fire purposes.
- (d) compel persons who are not members to assist in extinguishing a fire, removing goods and merchandise from any building on fire or in danger thereof and in guarding and securing same.
- (e) be 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 to enter, pass through or over the building or property, where he deems it necessary to gain access to an incident or to protect persons or property.

5. A. The limits of the jurisdiction of the Fire Chief, the officers and members of the Fire Department will extend to the area and boundaries of the Town of Rainbow Lake and no part of the fire apparatus, unless authorized by the Council, shall be used beyond the limits of the municipality without express authorization of the Council or without a written inter-municipal agreement providing for the supply of fire fighting services outside the municipal boundaries.

B. WHEREBY the Fire Department is operated or on behalf of the town for The extinguishment of fires or the preservation of life or property from

Injury or destruction, the fees as listed in Schedule A may apply.

6. Whenever any combustible or explosive material or materials, any lumber or wood pile, any dangerous or unnecessary accumulation of rubbish, litter, waste-paper, shavings, or any other flammable materials of a nature especially liable to catch fire, exist or be in any building or upon any premises or location, and such materials to be situated as (a) to endanger property, (b) to obstruct ingress or egress in case of fire, or (c) to be likely to interfere with the operations of the Fire Department, or where any conditions exist that are liable to cause or to aggravate the spread of fire, the same shall be rectified, altered or removed forthwith upon and according to the order of the chief.
7. No person shall obstruct any fire-escape, door, passage, hall, window, or other exit to any fire escape and exit shall at all times be kept and maintained in good order and repair. Wires, whether clothes-line or other, shall not be attached to or obstruct any fire-escape.
9. No uncovered hay, straw or similar material shall be burned within town limits.
  - (a) Burning of any material, flammable or otherwise may be burned, at the discretion of the CAO, at a burn pit, specified for such use at the Transfer Station site.
10. All ashes, when deposited within a building, shall be placed in a non-combustible container and shall not be placed on a combustible floor and, when deposited exterior to the building shall be placed at a distance of at least 15 feet from any wooden structure or other combustible material or otherwise placed in a non-combustible container or pit.
11. In any restaurant, cafeteria or other place, save and except a private dwelling, where cooking is done, no grease or dirt shall be allowed to accumulate on walls, ceilings, hoods, vents and pipes over or leading from any range, oven or similar device, canopy, pipes or equipment.
12.
  - (a) No person shall deposit any greasy or oily rags or other articles, things or substances liable to spontaneous combustion, within 3 feet from any wooden or combustible wall or partition, whether plastered or not, fence floor, sidewalk, or any lumber, hay shavings, rubbish, fuel, or other combustible materials.
  - (b) All such greasy or oily rags or other articles, things, or substances shall be deposited only if contained in a metallic or other non-combustible receptacle with a tight lid.
13. No person shall ignite, fuel, supervise, maintain or permit an Open fire or Incinerator Fire within the Municipal Boundaries of the Town of Rainbow Lake

Without a Valid Fire Permit, unless:

- (a) the fire is in a Pit Fire which is totally confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 13 millimeters and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane;
- (b) the fire has been set by the Fire Department for the purpose of training its members;

14. No person shall:

- (a) light an Open Fire, Incinerator Fire, Pit Fire or Smudge Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
- (b) light an Open Fire, Incinerator Fire, Pit Fire or Smudge Fire when the weather conditions are conducive to creating a Running Fire;
- (c) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his own;
- (d) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
- (e) conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring;
- (f) provide false, incomplete or misleading information to the Municipality or to the Fire Department on or with respect to the Fire Permit Application;
- (g) interfere with the efforts of persons authorized in the Bylaw to extinguish fires or preserve life or property;
- (h) interfere with the operation of any Fire Department equipment or apparatus required to extinguish fires or preserve life or property;
- (i) damage or destroy Fire Department property;
- (j) falsely represent himself 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;

15. No person shall be allowed to transfer a Fire Permit.
16. Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief and the Fire Permit shall have endorsed therein the period of time for which the said Permit is valid.
17. The Fire Chief may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.
18. A Fire Chief may, in his sole and absolute discretion, terminate a Fire Permit Application Agreement and suspend or cancel a Fire Permit at any time.
19. Each application for a Fire Permit must contain the following information:
  - (a) the name and address of the applicant;
  - (b) the legal description of the land on which the applicant proposes to set a fire;
  - (c) the type and description of material which the applicant proposes to burn;
  - (d) the period of time for which the Fire Permit is valid;
  - (e) the precautions, if any, that will be taken by the applicant to ensure that the purposed fire remains his control;
  - (f) the signature of the applicant;
  - (g) the signature of the Fire Guardian issuing the Fire Permit.
20. No person shall damage or destroy Fire Department apparatus or equipment.
21. No person shall obstruct, in any way, a member from carrying out the duties imposed by this bylaw.
22. No person shall drive over any equipment without permission of the Chief.

23. Whereby, apparatus and equipment of the Fire Department is operated by or on behalf of the Town of Rainbow Lake for the extinguishment of fires or the preservation of life or property from injury or destruction without a written contract or agreement providing for the supply of the apparatus, equipment or services of the Fire Department. The fee schedule attached as Schedule A may apply.
24. 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 hereby render himself liable personally and he is hereby relieved 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.
25. 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 of any provision of this bylaw, shall be defended by the Town of Rainbow lake until final determination of the proceedings.
26. 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 omits any act or thing thus violating any of the provisions of this bylaw, 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 six months or to a fine of not more than \$2,500.00, or to both fine and imprisonment.
27. Every person who violates any of the provisions of this bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the bylaw and the bylaw reaming after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of the bylaw.
28. The Chief Administrative Officer may, in his sole and absolute discretion, suspend any and all fire permits inclusive of permitted uses within this bylaw for the purpose of issuing a Fire Ban encompassing the boundaries of the Town of Rainbow Lake.
29. Bylaw #300 is hereby repealed.

**READ A FIRST TIME** this \_\_\_\_\_ day of June, 2015

**READ A SECOND TIME** this \_\_\_\_\_ day of June, 2015.

**READ A THIRD TIME** and finally passed this \_\_\_\_\_ day of June, 2015.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer



## SCHEDULE "A"

1. Emergency Services department Fees and Charges
  - 1.1 Response to a Fire, Rescue, Dangerous Goods, or other incident on any property other than provincial highways:
    - \$500.00 per hour, per unit or any portion thereof, exclusive of command cars.
    - Administrative costs and the cost for replacement of equipment and/or materials used, lost, or damaged as a result of the response.
  - 1.2 Fire, Dangerous Goods, and Rescue Responses on provincial highways:
    - \$300.00 per hour, per unit or any portion thereof.
    - Cost for replacement of equipment and/or materials used, lost or damaged as a result of the response.
  - 1.3 Emergency Responses (excluding ambulances calls) to other Municipalities:
    - \$500.00 per hour, per; unit or any portion thereof.
    - Cost for replacement of equipment and/or materials used, lost or Damaged as a result of the response.