

**BEAVER EMERGENCY SERVICES COMMISSION
(THE "COMMISSION")**

BYLAW NO. 7-2021

**BEING A BYLAW RESPECTING THE ESTABLISHMENT AND
OPERATION OF A FIRE SERVICES DEPARTMENT**

WHEREAS:

- A. the Commission has been established by Ministerial Order;
- B. the Board wishes to establish a fire and rescue service within Member municipalities to ensure that fire and rescue services are provided efficiently to the Member municipalities;

NOW THEREFORE the Board of Directors of the Commission enacts the following:

1. SHORT NAME

- 1.1 This Bylaw shall be referred to as the Establishment and Operation Bylaw.

2. DEFINITIONS

- 1.2 "**Act**" means the Municipal Government Act, RSA 2000, c M-26, as amended from time to time;
- 1.3 "**Apparatus**" means any vehicle provided with machinery, devices, equipment or materials for emergency use, as well as any vehicles used for transporting firefighters or supplies;
- 1.4 "**Approved Device**" means a device or appliance specifically made for the purpose of containing a fire. The device or appliance must bear a CSA or Underwriters Laboratory of Canada approval label.
- 1.5 "**Approved Fire Pit**" means an outdoor receptacle that meets the following specifications:
 - 1.5.1 is fully enclosed on all sides and constructed entirely from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the District Fire Chief;
 - 1.5.2 is covered with a spark arrester mesh screen made with expanded metal (or equivalent non-combustible material) with openings no larger than 1.3 centimetres used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks;

- 1.5.3 has an opening that does not exceed one (1) metre in width or diameter when measured between the widest points or inside edges;
- 1.5.4 is located a minimum of three (3) metres away from any building, property line, or combustible material;
- 1.5.5 is otherwise acceptable to the District Fire Chief.
- 1.6 “**Assistant Fire Chiefs**” means those individuals appointed in this role by the Board, and “**Assistant Fire Chief**” means any one of them;
- 1.7 “**Board**” means the Board of Directors of the Commission;
- 1.8 “**Burnable Debris**” means all combustible waste other than Prohibited Debris and includes, but is not limited to:
 - 1.8.1 straw and stubble;
 - 1.8.2 grass and weeds;
 - 1.8.3 leaves and tree prunings;
 - 1.8.4 brush and fallen trees on newly cleared land or associated with logging operations;
 - 1.8.5 used power, telegraph, and telephone poles that do not contain wood preservatives;
 - 1.8.6 wooden materials, which do not contain wood preservatives, from the construction or demolition of buildings; and
 - 1.8.7 solid waste from post and pole operations that does not contain wood preservatives.
- 1.9 “**Burning Barrel Fire**” means a fire confined to a non-combustible structure or container that has draft holes not larger than five (5) millimetres in diameter and is covered with a heavy gauge metal screen of a mesh size not greater than seven (7) millimetres to contain sparks over the fire at all times, which is lit for the purpose of burning household refuse or other Burnable Debris;
- 1.10 “**Commission**” means the Beaver Emergency Services Commission;
- 1.11 “**Emergency Incident**” means a fire, a situation wherein a fire or explosion is imminent, or any other situation presenting a fire or possible danger to life, property, or the environment, and to which the Fire Services Department has responded. For clarity, such situations can include transportation accidents, hazardous materials releases, or potential releases, medical assists, or any life threatening situation;

- 1.12 **“Equipment”** means any tools, contrivances, devices, or materials used by the Fire Services Department that may be applied at an emergency incident;
- 1.13 **“Fire Advisory”** means a warning that a fire restriction or fire ban may be coming if conditions do not improve;
- 1.14 **“Fire Ban”** means an order issued by the Minister responsible under the *Forest and Prairie Protection Act*, as amended from time to time, or an order issued pursuant to this Bylaw for the purpose of canceling all Fire Permits, prohibiting the lighting of any fire and requiring extinguishment of all fires within the Beaver County region;
- 1.15 **“Fire Chiefs”** or **“District Fire Chiefs”** means the persons appointed by the Board as heads of any of the Commission’s Fire Services Departments, with duties as described in the Standard Operating Guidelines, and **“Fire Chief”** or **“District Fire Chief”** shall mean any one of them;
- 1.16 **“Fire Guardians”** has the same meaning as found in the *Forest and Prairie Protection Act*, as amended from time to time, and **“Fire Guardian”** shall mean any one of them;
- 1.17 **“Fire Permit”** means a permit issued by a Fire Guardian allowing the setting of an Open Outdoor Fire and approved structure fires in accordance with the *Forest and Prairie Protection Act*, as amended from time to time, and with Commission policies, as amended from time to time.
- 1.18 **“Fire Restriction”** means an order issued under this Bylaw for the purpose of canceling all Fire Permits and prohibiting all open-air fires. Campfires and Burning Barrel Fires shall be permitted;
- 1.19 **“Fire Services Department(s)”** means the Fire Services Department(s) established by this Bylaw, which each include a Fire Chief, Assistant Fire Chief(s), Firefighters, and any person duly appointed to this department by the Board and performing such functions as are prescribed in this Bylaw, together with all Equipment and Apparatus, including fire stations established to prevent, extinguish, and investigate the cause of fires, to preserve life and property from injury or destruction by fire;
- 1.20 **“Firefighters”** means those persons appointed to perform the duties of a firefighter as described in the Standard Operating Guidelines;
- 1.21 **“Member”** or **“Members”** means the member municipal authorities as set out in the Ministerial Order;
- 1.22 **“Office of the Fire Commissioner”** shall mean that department within the Government of Alberta responsible for fire safety, including training;
- 1.23 **“Open Outdoor Fire”** means any fire not contained within the confines of an approved outdoor or indoor appliance, building, or structure, and includes fires burning in humus soil, piles of coal, manure, farm produce, wastes, feed,

and straw, and means that the fire is a controlled fire under the supervision of the land owner or his adult designate;

1.24 **"Prohibited Debris"** means:

1.24.1 animal manure;

1.24.2 pathological waste;

1.24.3 non-wooden material;

1.24.4 waste material from a building or construction site containing wood preservatives;

1.24.5 combustible material in automobile bodies;

1.24.6 tires, rubber plastic, or anything containing ore coated with rubber, plastic, or a similar substance, except rubber or plastic attached to shredded scrap steel;

1.24.7 used oil; and

1.24.8 wood products containing substances for the preservation of wood.

1.25 **"Quality Management Plan"** means the terms and conditions of accreditation to administer the *Safety Codes Act*, as amended from time to time, in the fire discipline;

1.26 **"RCMP"** means the Royal Canadian Mounted Police;

1.27 **"Recreational Fire"** means a fire confined within an Approved Fire Pit which is lit for the purpose of cooking, obtaining warmth, or viewing for pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane;

1.28 **"Regional Emergency Manager"** means the person appointed or hired in this role by the Board;

1.29 **"Running at Large"** means a fire burning without being under the control of any person or that no person is able to prevent the spread of the limits of the fire;

1.30 **"Smudge Fire"** means a fire confined to a non-combustible structure or container which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost and is fueled solely by dry wood or charcoal; and

1.31 **"Standard Operating Guidelines"** means the guidelines adopted by the Board concerning fire, rescue, and other administrative and operational activities of the Fire Services Department.

2 FIRE SERVICES

- 2.1 The Commission does hereby establish the Fire Services Department.
- 2.2 For greater clarity and without limiting the services which may be provided, the Commission hereby authorizes the Fire Services Department to provide the services to the Members for the purpose of:
 - 2.2.1 preventing and extinguishing fires;
 - 2.2.2 performing basic rescues, medical care, first responder care, and control of dangerous goods incidents at a first responder level;
 - 2.2.3 investigating the cause and origin of fires in accordance with the Alberta Fire Code 2006 and Quality Management Plan, as approved by the Safety Codes Council;
 - 2.2.4 preserving life, property, and protecting the environment;
 - 2.2.5 preventing and extinguishing non-permitted ground cover fires or running at large fires and enforcing the provisions of the *Forest and Prairie Protection Act*, RSA 2000, c F-19, as amended from time to time;
 - 2.2.6 enforcing the provisions of the Alberta Fire Code 2006 and the *Safety Codes Act*, RSA 2000, c S-1 and its regulations, as amended from time to time;
 - 2.2.7 carrying out prevention patrols, pre-fire planning and fire inspections in accordance with the Accredited Safety Codes Council Quality Management Program;
 - 2.2.8 enter mutual aid agreements with other municipalities, agencies, or persons to provide assistance in controlling an emergency incident subject to approval of the Board; and
 - 2.2.9 purchasing and operating Apparatus and Equipment for preservation of lives and property.
- 2.3 The Commission may divide the area within which it will provide services into districts, with emergency response buildings and services so located, as is deemed necessary by the Regional Emergency Manager. The Commission recognizes that the same level of service may not be provided to all such districts due to limitations of staffing, resources, and the geographical areas.
- 2.4 Rules or policies made under this Bylaw shall not be inconsistent with the relevant legislation and regulations of the Province of Alberta.

3 FIRE PREVENTION / INSPECTION

- 3.1 The Regional Emergency Manager may establish a fire prevention program within each of the Member municipalities, which includes but is not limited to:
- 3.1.1 preventive fire inspections of properties or structures in accordance with the Alberta Fire Code 2006 and the Quality Management Plan approved by the Safety Codes Council;
 - 3.1.2 the review of designs, plans, specifications, and processes to ensure conformity with the *Safety Codes Act* or the Alberta Fire Code 2006 or the Quality Management Program, as amended from time to time;
 - 3.1.3 the preparation of pre-fire plans; and
 - 3.1.4 the dissemination of fire prevention information to the general public.
- 3.2 The Regional Emergency Manager, subject to the direction of the Board, may enter into agreements with other municipalities or accredited agencies to provide fire inspection and investigation services.

4 INVESTIGATIONS

- 4.1 The Fire Safety Codes Officer and/or a delegated Certified Safety Codes Officer shall investigate the cause and origin of a dollar loss amount within said officer's jurisdiction, in accordance with the Quality Management Plan and requirements set forth by the *Safety Codes Act*.
- 4.2 If the person investigating and incident as described in Section 17.1 has information that indicates a fire is or may be incendiary in origin or as resulted in loss of life, the RCMP, the Regional Emergency Manager, and the Office of the Fire Commissioner shall be advised of the incident immediately.
- 4.3 The Regional Emergency Manager, subject to the direction of the Board, may enter into agreements and/or requests with other municipalities or private services to provide temporary assistance providing fire and rescue services as well as fire investigation and inspection services.

5 FIRE GUARDIANS

- 5.1 Upon the recommendation of the Regional Emergency Manager, the Board shall annually appoint persons to be Fire Guardians in accordance with the *Forest and Prairie Protection Act*, as amended from time to time.
- 5.2 Fire Chiefs and Fire Services Officers, by virtue of their offices, shall be Fire Guardians for the purposes of this Bylaw and the *Forest and Prairie Protection Act*, as amended from time to time.

- 5.3 Fire Guardians shall be responsible for the issuance of Fire Permits, in accordance with this Bylaw, Commission policies, and the *Forest and Prairie Protection Act*, as amended from time to time.
- 5.4 An updated list of Fire Guardians will be approved by the Board each calendar year.

6 BURNING REGULATIONS

- 6.1 No person shall burn or cause to be burned any Prohibited Debris within the jurisdictional boundaries of the Commission.
- 6.2 Burning of Burnable Debris is not allowed within the jurisdictional boundaries of the Member municipalities where such Member municipalities prohibit such burning.
- 6.3 No person shall light or cause to be lit any outdoor fire or permit any outdoor fire upon land owned, occupied, or under the control of said person unless said person is the holder of a valid Fire Permit, or the specific type of fire is exempted from requiring a Fire Permit under this Bylaw.
- 6.4 A Fire Permit is not required under this Bylaw for:
 - 6.4.1 a Burning Barrel Fire;
 - 6.4.2 a fire in an Approved Fire Pit;
 - 6.4.3 a Recreational Fire; or
 - 6.4.4 a Smudge Fire;
 provided that:
 - 6.4.5 a minimum of three (3) metres clearance from property lines, other structures, and combustible materials is maintained;
 - 6.4.6 the fire is kept under control and monitored at all times by a responsible adult until such time that the fire has been completely extinguished; and
 - 6.4.7 flame height does not exceed ninety (90) centimetres above the structure or container.
- 6.5 This Bylaw does not apply to:
 - 6.5.1 an outdoor fire lit by Fire Services for training or preventative control purposes;
 - 6.5.2 an outdoor fire that is a flare stack used in the petroleum industry;

- 6.5.3 an outdoor fire prescribed by regulations under the *Forest and Prairie Protection Act*, as amended from time to time; or
- 6.5.4 fire confined to an incinerator regulated under the *Environmental Protection and Enhancement Act*, as amended from time to time.
- 6.6 Notwithstanding any of the other provisions herein, the Regional Emergency Manager or Acting Regional Emergency Manager may declare a Fire Ban and place any restriction on the setting or continued burning of any type of fire as the Regional Emergency Manager deems necessary, at his or her sole discretion.

7 OFFENCES

- 7.1 Any person who:
 - 7.1.1 ignites, fuels, supervises, maintains, or permits an outdoor open fire to burn at large within the Member municipalities without a valid Fire Permit as required by this Bylaw, Commission policies, and the *Forest and Prairie Protection Act*, as amended from time to time;
 - 7.1.2 fails to have sufficient resources to maintain control of his or her outdoor fire;
 - 7.1.3 fails to comply with any conditions specified in the Fire Permit issued to them, including lighting an outdoor fire when the weather conditions are conducive to a fire running at large;
 - 7.1.4 ignites and burns fuels that contravene the *Substance Release Regulation*, Alta Reg 124/1993, and its enabling legislation, the *Environmental Protection and Enhancement Act*;
 - 7.1.5 ignites a fire or burns during a Fire Ban which clearly specifies the prohibition of such an ignition; or
 - 7.1.6 ignites a wood burning appliance or other materials for burning outdoors during a Total Fire Ban;
 - 7.1.7 impedes, obstructs, or hinders in any way a Firefighter or any officer of the Fire Services Department(s) or any other persons assisting or acting under the direction of the Regional Emergency Manager, the District Fire Chief, or an Incident Commander;
 - 7.1.8 damages or destroys the Apparatus or Equipment of the Fire Services Department(s);
 - 7.1.9 drives a vehicle over any Equipment, in particular, a fire hose, at an incident without the express permission of the Regional Emergency Manager, the District Fire Chief, or an Incident Commander;

7.1.10 falsely represents themselves as a Fire Services Department member or is wearing or displaying any Fire Services Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation; or

7.1.11 obstructs or otherwise interferes with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or other body of water designated for the purposes of fighting fires, or any connections to a fire main, pipe, standpipe, sprinkler system;

is guilty of an offence.

8 PENALTIES

8.1 Any person who:

8.1.1 is guilty of an offence under Section 7 herein;

8.1.2 violates any of the provisions of this Bylaw;

8.1.3 suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw;

8.1.4 neglects to do or refrains from doing anything required pursuant to the provisions of this Bylaw;

shall be liable to a fine of not less than \$500.00 and not more than \$5,000.00, plus costs.

8.2 No person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.


9 SEVERABILITY

9.1 Should any provision in this Bylaw be found to have been improperly enacted or *ultra vires* for any reason, such provision shall be regarded as being severable from the Bylaw. All remaining provisions in the Bylaw shall remain in force and effect.

10 AMENDMENTS

10.1 A bylaw to amend this Bylaw does not come into force until the bylaw is passed by a majority of the Board.

READ A FIRST TIME this 11th day of August, 2021



CHAIRPERSON



REGIONAL EMERGENCY MANAGER