

BYLAW 974

TOWN OF BEAVERLODGE

A by-law of the Town of Beaverlodge hereafter referred to as the “Town of Beaverlodge Fire Department Bylaw”, to provide for the establishment and operation of a municipal fire department.

Whereas Section 7(a) of the Municipal Government Act provides that the council may pass by-laws for the safety, health and welfare of people and protection of people and property as may be considered proper

Now therefore: The Council of the Town of Beaverlodge, 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:

DEFINITIONS

1. In this by-law, words and phrases shall be construed as specified hereunder:
 - a) **“Apparatus”** means any vehicle provided with machinery, devices, equipment or materials for emergency response activities, as well as vehicles used to transport emergency response personnel or supplies.
 - b) **“Council”** means the Council of the Town of Beaverlodge.
 - c) **“Town”** Means the Town Of Beaverlodge.
 - d) **“Equipment”** means any tools, contrivances, devices or materials used by the fire department to combat an incident or other emergency.
 - e) **“Fire Chief”** means the member appointed by Council as the head of the fire department.
 - f) **“Emergency Response Activity”** means all aspects of fire/rescue safety, including but not limited to fire prevention, firefighting or suppression, rescue services, medical first or co-response, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
 - g) **“Incident”** means a fire or, investigation or, public service call or, a situation where a fire or explosion is imminent and/or any other situation presenting a danger or hazard to life or property and to which the fire department has responded.
 - h) **“Member”** means any person that is a duly appointed member of the fire department.
 - i) **“He, Him, or His”** shall mean a person of either male or female gender.

SELECTION AND APPOINTMENT

1. At the time of a vacancy or indication thereof, in the position of the Fire Chief, the Council may direct the Chief Administrative Officer to seek out qualified applicants, in order to make a recommendation to Council for the purpose of filling any vacancy of the Fire Chief.

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2. The Council may appoint a qualified person as the Fire Chief to manage the affairs of the Fire Department. That person shall be sworn in for their term of service.
3. Appointment to the position of Fire Chief, shall be for a five-year term of service.
4. The Fire Chief may be reappointed to serve no more than two consecutive terms. Unless there are no other suitable candidates, in which case Council may elect to waive the term requirement.

DUTIES OF FIRE CHIEF

1. The Fire Chief shall be appointed by the Council. The Fire Chief shall appoint a Deputy Fire Chief with the approval of Council.
2. Appoint a Deputy Fire Chief, as a responsible designate to exercise control and command of the Fire Department in the absence of the Fire Chief, subject to Council notification.
3. Attend all meetings of the Council and its committees as Council may direct.
4. Other officers and members may be appointed to the fire department as the Fire Chief deems necessary. Appointments within the fire department shall be subject to annual performance evaluations undertaken by a panel of individuals chosen from within the membership.
5. The Fire Chief may appoint other officers of the fire department to act on his behalf.
6. Recruit, discharge, control and direct all members of the Fire Department including Senior Officers, in accordance with the Fire Department Standard Operating Guidelines.
7. Establish and ensure compliance to, Standard Operating Guidelines to provide a standardized approach to emergency response operations.
8. Be responsible for the authorization of payments for all honorariums and amounts due from and owing by the Fire Department which fall within the scope of the approved annual budget of the Town or otherwise, as may be established by resolution of the Council.

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9. Report to the Council any matter about which it should have knowledge and generally to report to Council or any committee as required.
10. Report to the Chief Administrative Officer of the Town and to the Council, if necessary, any failure of any volunteer of the Fire Department to act in accordance with the requirements of public authority, the policies and procedures of the Fire Department and Town.
11. Preside at all general meetings and executive meetings of the Fire Department and to act as an ex-officio member of all committees of the Fire Department.
12. Represent the Fire Department at all official functions.
13. Generally supervise all of the activities of the Fire Department.
14. Organize and manage as well as exercise control over all emergency response operations of the Fire Department.
15. Assume complete responsibility, management and organization for the administration of the affairs of the Fire Department and for the conduct and efficiency of the Fire Department.
16. Maintain supervision and control over all Fire Department equipment.
17. Submit in writing to the Council a quarterly and an annual report detailing the number and type of emergencies responded to.
18. Ensure that all orders, regulations, policies and operating procedures are enforced and that discipline is maintained within the Fire Department.
19. Ensure that all vehicles, equipment and apparatus of the Fire Department are maintained in good working condition.
20. Undertake such other duties and responsibilities as the Council may direct on recommendation from the Chief Administrative Officer.

AUTHORITY OF FIRE CHIEF

1. 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 the Town of Beaverlodge, and no part of the fire apparatus shall be used beyond the limits of the municipality without the express authorization of a written contract or agreement, providing for the supply of fire/rescue or medical services outside the municipal boundaries.
2. 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 he shall be required to carry out all emergency response activities and such other activities as Council directs, in accordance with the fire department level of service.
3. The Fire Chief, subject to the ratification by the Council, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the fire department including:
 - i. use, care and protection of fire department property,
 - ii. the conduct and discipline of officers and members of the fire department,
 - iii. appointment of officers and members of the fire department and,
 - iv. efficient operations of the fire department.
4. 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 command is either transferred or terminated.
5. The Fire Chief shall take responsibility for all emergency response activities within the boundaries set forth in section 5.
6. Officers and members of the fire department shall carry out duties and responsibilities assigned to the fire department.
7. The Fire Chief, or any other member in charge at an incident, 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.
8. 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.

9. The Fire Chief, or any other member in charge at an incident, may at his discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter.
10. No person shall enter the boundaries or limits of an area prescribed in accordance with section 13 unless he has been authorized to enter by the Fire Chief or the member in charge.
11. The Fire Chief or any other member in charge at an incident, may at his discretion call upon police officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 13.
12. The Fire Chief, or any other 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.
13. The Fire Chief or any other member in charge at an incident, may obtain assistance from other officials of the municipality as he deems necessary in order to discharge his duties and responsibilities under this by-law.
14. 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.
15. No person shall damage or destroy fire department apparatus or equipment.
16. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief, or any other member in charge at an incident, 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.
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22. The Fire Chief or any other member in charge at an incident, may obtain assistance from other officials of the municipality as he deems necessary in order to discharge his duties and responsibilities under this by-law.
23. 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.
24. No person shall damage or destroy fire department apparatus or equipment.
25. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
26. No person shall obstruct a member of the fire department from carrying out duties imposed by this by-law.

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27. No person shall falsely represent themselves 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.
28. No person shall obstruct or otherwise interfere with access roads or streets or other approaches, to any fire hall, fire alarm, fire hydrant cistern or body of water designated for firefighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for firefighting purposes.
29. The Fire Chief or any member in charge of an incident, is empowered to compel persons who are not fire department 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.
30. The Fire Chief or any member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.
31. 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 shall be liable to a fine of not more than \$2500.00 plus any additional costs for damages to apparatus or equipment.
32. The Fire Chief or any member of the fire department, 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 or omission in the discharge of his duties.
33. 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 by-law, shall be defended by the Town of Beaverlodge until such time as any proceedings end.

TOWN EMPLOYEE

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The Fire Chief shall BE employee of the Town and not the Fire Department and shall come under the direct supervision and control of the Chief Administrative Officer of the Town subject to the provisions of the Municipal Government Act and the policies and procedures of the Town and the Fire Department.

POLICIES AND PROCEDURES

The policies and procedures of the Town pertaining to hiring, dismissal and discipline of employees of the Town, shall apply to the Fire Chief.

The Fire Chief shall not be subject to any discipline procedures of the Fire Department.

The Fire Chief shall be subject to the Fire Department grievance policy. Any grievance shall be filed with the CAO.

RESCIND BY-LAW

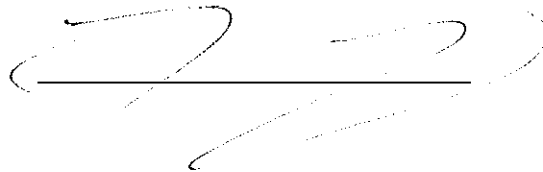
This Bylaw shall come into full force and effect on the date it is finally passed by Council.

Bylaw 833 is hereby rescinded.

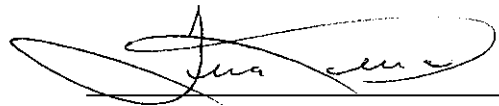
Read a first time this 24 day of September, 2018

Read a second time this 9 day of October, 2018

Read a third time this 9 day of October, 2018

A handwritten signature in black ink, appearing to read "Gary Rycroft", written over a horizontal line.

Gary Rycroft, Mayor

A handwritten signature in black ink, appearing to read "Tina Letendre", written over a horizontal line.

Tina Letendre, Acting CAO