

BEAVER EMERGENCY SERVICES COMMISSION

BYLAW NO. 4 – 2013

A BYLAW OF BEAVER EMERGENCY SERVICES COMMISSION, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A FIRE SERVICES DEPARTMENT(S) A DIVISION OF BEAVER EMERGENCY SERVICES COMMISSION.

- A. WHEREAS:**THE BEAVER EMERGENCY SERVICES COMMISSION has been established by the Lieutenant Governor in Council under Alta Reg 58/2010 pursuant to the authority of section 602.02 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26;
- B.** It is deemed expedient and proper that the Board of Directors of the BEAVER EMERGENCY SERVICES COMMISSION pass a bylaw governing the organizational structure, powers, duties, operation and administration of the BEAVER EMERGENCY SERVICES COMMISSION;
- C.** The *Alberta Fire Code 2006*, as established by the Fire Technical Council, Safety Codes Council and under the provisions of the *Safety Codes Act*, provides the BEAVER EMERGENCY SERVICES COMMISSION with the authority to establish a joint Quality Management Program, which has provided the municipalities a Quality Management Program under the guidance and control of the Safety Codes Council and direction of the BEAVER EMERGENCY SERVICES COMMISSION Board of Directors;
- D.** The *Forest and Prairie Protection Act*, RSA 2000, Chapter F-19, as amended, provides for the prevention of prairie or running fires and places responsibility for fighting and controlling fires within a municipal district or a county;
- E.** The *Environmental Protection and Enhancement Act*, RSA 2000, Chapter E-12, as amended, provides the guidelines for environmental contamination, BEAVER EMERGENCY SERVICES COMMISSION Board of Directors will endeavor to prevent or bring under control the emissions of contaminants and will inform the Department of the Environment of infractions occurring in member municipalities;
- F.** The BEAVER EMERGENCY SERVICES COMMISSION Board of Directors wishes to establish a fire and rescue service within member municipalities to provide for efficient operation of such a service for Beaver County, the Towns of Tofield and Viking and the Villages of Ryley and Holden.

BE IT RESOLVED THAT the Board of Directors of the BEAVER EMERGENCY SERVICES COMMISSION of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - NAME OF BYLAW

1.1 This Bylaw may be cited as the “Fire Services Bylaw”.

NOW THEREFORE BE IT ENACTED as a bylaw of the Board of Directors of the BEAVER EMERGENCY SERVICES COMMISSION as follows:

SECTION 2 - DEFINITIONS

In this bylaw,

- 2.1 “Act” shall mean the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended.
- 2.2 “*Alternate Director*” means such persons as are appointed pursuant to Article 4.5 of this Bylaw.
- 2.3 “*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.
- 2.4 “*Approved Outdoor Burning Appliances*”, are those outdoor burning appliances used for recreational or cooking purposes. Those appliances manufactured which bear a CSA or ULC approval label or comply with the definition for wood burning appliance in Schedule “A”.
- 2.5 “*Board*” shall mean the Board of Directors of the BEAVER EMERGENCY SERVICES COMMISSION.
- 2.6 “*Chair*” shall mean the chairman of a Committee.
- 2.7 “*Chairman*” shall mean the Chairman of the Board pursuant to bylaw 2-2011.
- 2.8 “*Commission*” shall mean the BEAVER EMERGENCY SERVICES COMMISSION.
- 2.9 “*Commissioner*” shall mean a person appointed by a Member who must be a Councillor of that member.
- 2.10 “*Council*” shall mean the Council of a member municipality of the Commission.
- 2.11 “*Committee*” or “*Committees*” shall mean any Standing or Ad Hoc Committee established from time to time pursuant to this bylaw.

- 2.12 “*Deputy Regional Fire Chief*” means the person appointed by the Board pursuant to Section 7 of this bylaw.
- 2.13 “*Director*” shall mean a person appointed by a Member who must be a Councillor of that member.
- 2.14 “*Emergency Incident*” means a fire, a situation where a fire or an explosion is imminent or any other situation presenting a fire or possible danger to life, property or the environment and to which the Fire Department has responded. These incidents include transportation accidents, hazardous materials releases or potential releases, medical assists or any life threatening situation.
- 2.15 “*Equipment*” means any tools, contrivances, devices or materials used by the Fire Services Department that may be applied at an emergency incident.
- 2.16 “*Fire Ban*” means a declaration by the Regional Fire Chief or delegate that a restriction has been placed on the setting of fires, and may be categorized as follows:
- (a) “*High Risk Fire Ban*” as declared by the Regional Fire Chief or delegate, means no open burning, no issuance of burning permits, and a restriction on the setting of outdoor fires, with exceptions limited to recreational, cooking, and heating fires in Approved Outdoor Burning Appliances, upon written approval of the Regional Fire Chief.
- (b) “*Total Fire Ban*” as declared by the Regional Fire Chief or delegate, means a restriction on the setting of all out door fires, with exceptions limited to approved liquid or gas-fired approved appliances in the proper setting.
- (c) “*Fire Ban Declaration*” on declaring a fire ban, notification will be advertised through local and area media organizations, and telephone fire line recording. Fire ban issuance can affect all and/ or portions thereof of Commission partner Municipalities.
- 2.17 “*Fire Chief*” or “*District Fire Chief*” means the person appointed by the Board as head of one of the Fire Services Departments within the Commission with duties as described in the Standard Operating Guidelines.
- 2.18 “*Fire Department*” means the Fire Services Department established in this Bylaw and includes a Fire Chief, Assistant Fire Chief(s), Firefighters and any person duly appointed to the Fire Department by the Board pursuant to this Bylaw and performing such functions as are prescribed herein, 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.

- 2.19 “*Fire Guardian*” means a person appointed to issue Fire Permits under this Bylaw. The Fire Chiefs and, Fire Services Officers, by virtue of their office, shall be Fire Guardians. An updated list of “Fire Guardians” will be approved by the Commission Board each calendar year.
- 2.20 “*Fire Permit*” means a permit issued by a Fire Guardian allowing the setting of Open Outdoor Fires and approved structure fires in accordance with the *Forest and Prairie Protection Act*. The issuance of fire permits will also be in accordance with Commission Policy # 2.0 as amended.
- 2.21 “*Fire Services Officer*” means a person appointed by the Regional Fire Chief or a Fire Chief to perform such functions as are set forth in the Standard Operating Guidelines.
- 2.22 “*Firefighter*” means a person appointed to perform the duties of a firefighter as described in the Standard Operating Guidelines.
- 2.23 “*Fireworks Display Permit*” is the issuance to an accredited person or contractor for the display of commercial fireworks or to the property owner for family/recreational fireworks in accordance with the Alberta Fire Code 2006 and the *Safety Codes Act*.
- 2.24 “*Incident Commander*” means that member of the Fire Department in charge of all department resources including staff at a particular Emergency Incident in accordance with the policies and guidelines of the Commission as set out from time to time.
- 2.25 “*Member*” or “*Members*” shall mean each of the municipal authorities that form the Commission.
- 2.26 “*Open Outdoor Fire*” means any fire not contained within the confines of a 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.
- 2.27 “*Regional Fire Chief*” means the person appointed by the Board pursuant to Section 7 of this bylaw.
- 2.28 “*running at large*” means a fire burning without being under control of any person or that no person is able to prevent the spread of the limits of such a fire.
- 2.29 “*Safety Codes Accreditation*” as approved by the Safety Codes Council for the Commission to administer a Quality Management Program Fire Discipline for members.
- 2.30 “*Safety Codes Officer*” means a person certified by the Safety Codes Council under the authority of the *Safety Codes Act*.

- 2.31 “*Safety Codes Officer Certified*” means a person certified under the *Safety Codes Act* with Designation of Powers to administer the Alberta Fire Code and *Safety Codes Act*.
- 2.32 “*Standard Operating Guidelines*” means the guidelines adopted by the Board concerning Fire, Rescue and other, administrative and operational activities of the Fire Services Division of the Commission.
- 2.33 “*Vice-Chair*” means the vice-chairman of a Committee.
- 2.34 “*Vice-Chairman*” means the Vice-Chairman of the Commission appointed pursuant to Bylaw No. 2-2011.

SECTION 3 - OBJECTIVES

- 3.1 The objectives of the Commission are:
- 1) to provide fire protection services to its Members;
 - 2) to provide emergency and disaster management services to its Members;
 - 3) to provide fire protection services and emergency and disaster management services to any additional persons, corporations, organizations or municipalities to whom the Board decides to apply these services;
- 3.2 The Members may, at any period in time, choose not to delegate to the Commission any or all of the duties and responsibilities mentioned in section 3.1 and the Commission shall only undertake to perform duties and responsibilities delegated to it by its Members.
- 3.3 Without in any way limiting the generality of the foregoing, the Commission may undertake such studies, research, projects or programs and enter into such contracts as may be deemed necessary or desirable in the furtherance of its objectives and to the economic, safety, health and environmental benefits of its Members.

SECTION 4 – MEMBERS AND DIRECTORS

- 4.1 The Members of the Commission are Beaver County, the Towns of Tofield and Viking and the Villages of Ryley and Holden.
- 4.2 Subject to the provisions of the Act, additional municipalities may be considered for membership and any fees or costs to be charged to that municipality shall be determined by the Members at the time of the application for membership.

- 4.3 The Members shall determine the formula upon which each Member shall contribute to any operating deficiency of the Commission.
- 4.4 Commission Board members are appointed as specified in Bylaw No. 2-2011.
- 4.5 Commission Alternate Directors are appointed as specified in Bylaw No. 2-2011.
- 4.6 A Member may at any time revoke the appointment of any of its Directors or Alternate Director.

SECTION 5 - BOARD MEETINGS AND COMMITTEE MEETINGS

- 5.1 The Board shall meet on, and at such date, time and place as determined by the majority of the Directors, or as may be determined from time to time by the Chairman.
- 5.2 Notice to a Director on each occasion of the time and place of any regularly scheduled meeting of a Board or a Committee need not be given.
- 5.3 Except as otherwise provided, all Directors must receive notice of any meeting called by the Chairman before that meeting can occur, provided further that if a Director cannot be reached, the Chairman must contact the Alternate Director for that Member regarding the meeting and advise him/her that the Director could not be reached.
- 5.4 Four (4) Directors must be present for a quorum of the Board, with a minimum of two (2) Directors from Beaver County and two (2) Directors from any of the other Members.
- 5.5 One half of the Directors plus one who are appointed to a Committee must be present for a quorum of that Committee.
- 5.6 Except as otherwise provided, the business of the Board or of a Committee shall only be conducted at a meeting of the Board or Committee at which a quorum is present.
- 5.7 Each Director shall have one vote and all Directors are required to vote unless that Director has a conflict of interest which he or she has declared at that meeting in which case that Director shall abstain from voting on topics in which he or she has declared a conflict of interest.
- 5.8 A vote on any matter before the Board shall not be recorded unless specifically directed by the Chairman or requested by a Director.
- 5.9 The Chairman or Vice-Chairman shall conduct any meetings of the Board. If both the Chairman and Vice-Chairman are absent from that meeting, the Directors present shall appoint one of the Directors present to chair the meeting.

- 5.10 The agenda for all meetings of the Board shall be prepared by the Regional Fire Chief, the Deputy Regional Fire Chief, the Chairman or the Vice-Chairman.
- 5.11 The agenda for all meetings of a Committee shall be prepared by the Regional Fire Chief, the Regional Deputy Fire Chief or the Chair or Vice-Chair of that Committee.
- 5.12 Directors, at the discretion of the Chair of a meeting of the Board or Committee shall be entitled to speak more than once on any matter before the Board or Committee and the mover of any question before the Board or Committee shall be entitled to close the debate on any matter.
- 5.13 With respect to motions before the Board, the following shall apply:
- 1) General - no seconder required;
 - 2) Referral or Deferral - debatable;
 - 3) Tabling - nondebatable;
 - 4) Amending - no seconder required;
 - 5) Reconsideration - must be made by vote on prevailing side of original motion at the same meeting or by notice of motion;
 - 6) Notice of Motion - in writing prior to distribution of Agenda or by proper waiving of Rules of Procedure by verbal notice at a meeting for the next meeting.
- 5.14 In the event that a question shall arise as to the rules of procedure to be followed at a meeting of the Board or a Committee and if the procedure to be followed has not been otherwise dealt with by any of the bylaws of the Board, Roberts Rules of Order shall apply to such question.
- 5.15 Any motion to waive a rule of procedure established by bylaw of the Board or, in the absence of a bylaw, Roberts Rules of Order, shall require an affirmative vote of two-thirds of all Directors in attendance at that meeting.
- 5.16 The Board and each Committee thereof shall cause minutes to be kept of each Board or Committee meeting. Any Director may request minutes of any Committee meeting and he or she shall be provided with a copy of said Minutes, once adopted by the Committee.
- 5.17 The first meeting of all of the Directors in each year held after October 31 in that year, shall be considered the annual organizational meeting of the Board.

SECTION 6 - CHAIRMAN AND VICE-CHAIRMAN

- 6.1 The Commission Chairman and Vice Chairman of the Board of Directors are appointed as specified in Bylaw No. 2-2011.
- 6.2 In the absence of the Chairman, the Vice-Chairman shall preside at all regular and special meetings of the Board.

- 6.3 The Chairman shall be an ex-officio member of all Standing or Ad Hoc Committees established by the Board from time to time, in addition to any other Directors appointed to these Committees.

SECTION 7 – REGIONAL FIRE CHIEF AND OTHER OFFICIALS

- 7.1 The office of Regional Fire Chief is hereby established.
- 7.2 The Regional Fire Chief shall act as the Chief Administrative Officer of the Commission as defined in the *Municipal Government Act* and the Regional Director of Emergency Management as defined in the *Emergency Management Act*.
- 7.3 The administrative duties and responsibilities of the Regional Fire Chief shall be in accordance with Commission Policy # 20.0, as amended.
- 7.4 The Deputy Regional Fire Chief shall act as the Assistant Chief Administrative Officer of the Commission and the Deputy Regional Director of Emergency Management and perform duties as described in accordance with Commission Policy# 20.0, as amended. In the absence of the Regional Fire Chief, the Deputy Regional Fire Chief shall assume the duties and responsibilities of the Regional Fire Chief.
- 7.5 The Board shall appoint such other officials as the Board shall deem necessary from time to time to serve the needs of the Commission and shall define the duties and responsibilities of any such official so appointed.
- 7.6 The Board may by resolution appoint the Chief Administrative Officer of any of its Members to act for the Regional Fire Chief in regards to his or her administrative duties to the Board, if the Regional Fire Chief is either unable to temporarily perform his or her administrative duties or has ceased to act as the Regional Fire Chief.
- 7.7 In the absence of any appointment of a Deputy Regional Fire Chief, the Board may by resolution appoint a Fire Chief to act for the Regional Fire Chief in regard to performing any of his or her non-administrative duties, if the Regional Fire Chief is unable to temporarily perform his or her duties or has ceased to act as the Regional Fire Chief.

SECTION 8 - COMMITTEES

- 8.1 The Board may establish Standing or Ad Hoc Committees from time to time.
- 8.2 The Chairman shall be entitled to attend all Committee meetings in an ex-officio capacity.

- 8.3 Meetings of any Committees formed shall be held on such day, time and place as may be determined from time to time by either the Chair of the Committee or a majority of Directors appointed to that Committee. All Directors of a Committee must have notice of a Committee meeting before the meeting can occur, but in circumstances where a Director cannot be reached regarding the holding of a Committee meeting, the Chair of the Committee must advise the Alternate Director for that Member of the meeting.

SECTION 9 - SEAL

- 9.1 The Board shall adopt a seal of the Commission and the seal shall be in the custody of the Regional Fire Chief under the control of the Board.
- 9.2 The seal of the Commission shall not be affixed to any document except in the presence of any two of the following persons, Chairman, Vice-Chairman, Regional Fire Chief or Deputy Regional Fire Chief or any other person who by resolution of the Board is permitted to sign under the seal of the Commission.

SECTION 10 – FINANCIAL REPORTS AND BANKING

- 10.1 The Board shall cause to be kept proper books of account and records and such books of account and records together with all papers and other documents relating to the Commission shall be kept at the office of the Commission. All Directors of the Commission shall be entitled to inspect and examine the books of account and records after reasonable notice being given to the Regional Fire Chief or Chairman.
- 10.2 The Board shall appoint an auditor who shall be a member of either the Institute of Chartered Accountants or the Institute of Certified Management Accountants in Alberta and who shall audit the accounts and affairs of the Commission in accordance with the requirements of the Act.
- 10.3 The Board shall cause minutes to be made and books to be provided for the purpose of recording all resolutions passed by and of all proceedings of any meeting of the Board or of any Committee and shall cause to be recorded the names of all persons present at such meetings.
- 10.4 The Board shall ensure at all times that the requirements of the Act and any other relevant governing legislation relating to its operation, budgeting, expenditures, delivery of reports, financial statements and information to the Directors and the Members of the Commission are met.
- 10.5 The Board shall from time to time appoint a bank or banks as banker or bankers of the Commission and the Board shall designate those officials and Directors who are authorized to sign cheques on behalf of the Board.

SECTION 11 – HONORARIA AND EXPENSES FOR BOARD OF DIRECTORS

11.1 The Board shall from time to time by policy adoption designate the remuneration payable to the Chairman, Vice-Chairman, Directors and Alternate Directors and provide for the reimbursement of expenses incurred in the course of their duties as Directors.

SECTION 12 – AMENDMENTS

12.1 Upon fourteen (14) days clear notice of motion and a two-thirds majority vote of the Directors, this bylaw may be amended from time to time.

SECTION 13 – FEES

13.1 The Board shall establish by policy the fees to be charged by the Commission for services provided and shall be entitled to levy fees differently to separate classes of persons, corporations or entities receiving services.

13.2 The Board may amend any policy establishing fees at any time.

SECTION 14- FIRE SERVICES

14.1 The Commission does hereby establish the Fire Services Department.

14.2 For greater clarity and without limiting the services which may be provided, the Commission hereby authorizes the Fire Services Department, to provide the Members with services for the purpose of:

- 1) preventing and extinguishing fires;
- 2) performing basic rescues, medical care, first responder care and control of dangerous goods incidents to a first responder level;
- 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;
- 4) preserving life, property and protecting the environment;
- 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*;
- 6) enforcing the provisions of the Alberta Fire Code 2006 and *Safety Codes Act* and its regulations;
- 7) carrying out prevention patrols, pre-fire planning and fire inspections in accordance with the Accredited Safety Codes Council Quality Management Program;
- 8) entering into mutual aid agreements with other municipalities, agencies or persons to provide assistance in controlling an emergency incident subject to approval of the Board; and

9) purchasing and operating Apparatus and Equipment for preservation of lives and property.

14.3 The Commission may divide into districts with emergency response buildings and services so located as deemed necessary by the Fire Chief for the provision of Fire Protection and other emergency services as he or she deems appropriate. 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.

14.4 Regulations, rules, or policies made under the bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.

SECTION 15 - RESCUE AND EXTRICATION SERVICES

15.1 The level of Fire Services as defined by the Standard Operating Guidelines, adopted by Board Motion # 11-137, establishes the appropriate department(s) to deal with rescue and extrication incident(s).

15.2 Response to emergency calls, or the dispatch of a Fire and Rescue Service by 911 for fire, rescue, medical or traffic control assistance at an incident, an invoice from the Commission for services rendered, may be issued to recover costs according to Commission Policy # 12.0, as amended.

15.3 The Commission has established and maintains response areas within the County and urban areas for rescue and extrication services.

15.4 The Commission does hereby establish that the Fire Services Department(s) will be categorized into three levels of service, as referred to in the Standard Operating Guidelines Motion # 11-137:

Level 1: Those capable of combating ground cover fires but restricted in response to dangerous goods incidents or vehicle and structure fire incidents in their response area, where they may respond in a backup role only.

Level 2: Those capable of combating all types of fire incidents and basic medical care.

Level 3: Those capable of combating all types of fire, performing rescues, basic medical care, and control of dangerous goods incidents to the First Responder Level.

SECTION 16 - FIRE PREVENTION/INSPECTION

16.1 The Regional Fire Chief may establish a fire prevention program within the member municipalities including but not limited to:

- 1) preventative 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;
- 2) review of designs, plans, specifications and processes to ensure conformity with the Safety Codes Act, *or* Alberta Fire Code 2006 *or* Quality Management Program as amended from time to time;
- 3) preparation of pre-fire plans; and
- 4) dissemination of fire prevention information to the general public.

16.2 The Regional Fire Chief, subject to the direction of the Commission Board and approval by the Minister as defined in the *Municipal Government Act*, RSA 2000 c M-26, as amended, may enter into agreements with other municipalities or accredited agencies to provide fire inspection and investigation services.

SECTION 17 - INVESTIGATIONS

17.1 The Fire Safety Codes Officer and/or 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*.

17.2 If the person investigating an incident as described in Section 17.1 has information that indicates a fire is or may be incendiary in origin or has resulted in loss of life, the RCMP, Regional Fire Chief and Fire Commissioners Office shall be advised of the incident immediately.

17.3 The Regional Fire Chief, subject to the direction of the Board and approval by the Minister as defined in the *Municipal Government Act*, RSA 2000 c M-26, as amended, 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.

SECTION 18 - FIRE GUARDIANS

18.1 Upon the recommendation of the Regional Fire Chief, the Board shall annually appoint persons to be Fire Guardians in accordance with the *Forest and Prairie Protection Act*.

18.2 Fire Guardians who are appointed in accordance with Section 2.18 may issue, to an applicant, a Fire Permit in accordance with the *Forest and Prairie Protection Act*.

18.3 A Fire Permit described in 18.2 shall be in a form approved by the Regional Fire Chief.

SECTION 19 - REQUIREMENT TO REPORT

- 19.1 The Owner, occupant, or authorized agent of any property damaged by fire which incurs a dollar loss amount within member municipalities shall immediately report details of the fire to the fire department(s), or Safety Codes Officer, within whose jurisdiction the property is located.
- 19.2 A Fire Department(s) which responds to an incident or is made aware of a fire within its area of jurisdiction, in which a life is lost the Incident Commander, shall report the incident to the RCMP, the Regional Fire Chief and the Fire Commissioners Office immediately. If a person suffers injury requiring medical attention, or in which property is damaged or destroyed, the Officer in Charge shall report the incident to the Regional Fire Chief as soon as possible.
- 19.3 A person conducting the investigation or reporting the incident as described in Section 17.1 must be a Certified Safety Codes Officer. A completed investigation report shall be forwarded to the Regional Fire Chief with an Incident Report and all relevant information relating to the incident or as requested by the Regional Fire Chief. A Provincial Fire Report shall be submitted to the Fire Commissioners Office within thirty (30) days of incident occurrence as required by provincial law.
- 19.4 Fees for services rendered shall be approved for re-imburement or payment by the Regional Fire Chief. Costs expended for investigation services will be recovered as per fee for service policy.
- 19.5 The Owner or authorized agent of any property containing a dangerous good(s) product which sustains an accidental or unplanned release of the dangerous good(s) product shall immediately report particulars of the release to the Regional Fire Chief.

SECTION 20 - BURNING REGULATIONS

- 20.1 Open fires are not permitted within the Members area except in accordance with this bylaw.
- 20.2 All recreational fires set for the purposes of cooking, warmth or recreation in an Approved Outdoor Burning Appliance or open pit must be supervised by an adult.
- 20.3 Smudge fires for the purpose of protecting livestock from insects or for protecting garden plants from frost without discomfort to the surrounding occupants, shall be confined within a non-combustible containment that is set on land of one (1) acre or more in area.
- 20.4 Fires may be set by the Fire Department for the purpose of training firefighters, or control burning, or by the Members for the purposes of ground thawing operations.

- 20.5 Open fires are permitted with issuance of a Fire Permit during the period of January 1st through to December 31st, providing the burn does not contravene the *Alberta Environmental Protection Act* and the burn is not running at large to cause harm to people or property. The Regional Fire Chief or Fire Chief reserves the right to revoke a Fire Permit or place burning restrictions when conditions deem it necessary.
- 20.6 Fire Permits will be issued in accordance with *Forest and Prairie Protection Act* and Commission Policy # 2.0 as amended by persons authorized and appointed Fire Guardians by the Commission.
- 20.7 Notwithstanding any other provision of this Bylaw, the Regional Fire Chief may declare a Fire Ban and place any restriction on the setting or continued burning of any type of fire as he or she deems necessary at his or her sole discretion.

SECTION 21 - RECOVERY OF COSTS

- 21.1 Where a Fire Department(s) has taken any action whatsoever for the purpose of extinguishing a fire or responding to an Emergency Incident within or outside the member municipalities for the purpose of preserving life or property or destruction by fire or other incident on land or property within or outside the specified areas, including any such action taken by the Department(s) on a false alarm, the Commission may, in respect of any costs incurred by the Department(s) in taking such action, charge any costs so incurred by the Department(s) to the person who caused the fire or the owner or occupant of the land or property in respect of which the action was taken.
- 21.2 The schedule of fees to be charged for fire, rescue, dangerous goods or false alarm responses and other services that may be performed by the Commission Fire Department(s) shall be described in Commission Policy # 12.0, as amended.
- 21.3 With respect to the cost or fee described in Commission Policy #12.0, as amended:
- 1) the Commission may take such actions to recover costs incurred providing services described in the fee schedule as the Commission deems appropriate;
 - 2) in all situations of emergency response service provided by the Department(s) and/ or all other billable services provided by the Commission according to the fee for service policy, outstanding account(s) will be referred to a collection agency to recover on behalf of the Commission.
- 21.4 Costs incurred in managing or dealing with a major emergency in member municipalities shall be billed to that municipality(s).

SECTION 22 - OFFENCES

- 22.1 Any person who 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 the *Forest and Prairie Protection Act* is guilty of an offence, and

- 22.2 Any person who fails to have sufficient resources to maintain control of his/her outdoor fire is guilty of an offence, and
- 22.3 Any person who lights an outdoor fire when the weather conditions are conducive to a fire running at large is guilty of an offence, and
- 22.4 Any person who ignites and burns fuels that contravene the *Alberta Environmental Protection Act*, is guilty of an offence, and
- 22.5 Any person who ignites a fire or burns during a Fire Ban which clearly specifies the prohibition of such an ignition is guilty of an offence, and
- 22.6 Any person who ignites a wood burning appliance or other materials for burning outdoors during a Total Fire Ban is guilty of an offence.
- 22.7 Persons who commit any of the following offences are subject to Section 23 Penalties:
- 1) impeding, obstructing or hindering a firefighter, or fire officer of the Fire Department(s), or other persons assisting or acting under the direction of the Regional Fire Chief, a District Fire Chief, or Incident Commander;
 - 2) damaging or destroying Fire Department(s) Apparatus or Equipment;
 - 3) driving a vehicle over any Equipment, in particular fire hose, at an incident without the permission of the Regional Fire Chief, a District Fire Chief or Incident Commander;
 - 4) obstructing a firefighter from carrying out any function or activity related in any way to fire protection;
 - 5) falsely representing themselves as a Fire Department member or wearing or displaying any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation;
 - 6) obstructing or otherwise interfering 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, standpipe, sprinkler system, cistern or other body of water designated for fire-fighting purposes.

SECTION 23 - PENALTIES

- 23.1 Any person who is guilty of an offence under Section 22, or 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 who refrains from doing anything required to be done by 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 offence under the Bylaw, and upon conviction, is liable to a fine of not less than \$500.00 and not more than \$5,000.00 plus costs. No person found guilty of an offence under this Bylaw shall be liable to imprisonment.

SECTION 24 - SEVERABILITY

24.1 Should any Section or part of this Bylaw be found to have been improperly enacted or ultra vires, for any reason, then such Section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the Section found to be improperly enacted had not been enacted as part of this Bylaw.

ENACTED at a meeting of the Board of Directors of the BEAVER EMERGENCY SERVICES COMMISSION at a meeting duly held on the 5 day of December, 2013 at which all Directors were present and was unanimously or by a two thirds majority thereof approved.

24.2 This Bylaw shall rescind Bylaw 3-2011 and shall take effect on the date of its third and final reading.

READ A FIRST TIME this 5th day of December, 2013

READ A SECOND TIME this 5th day of December, 2013

READ A THIRD TIME and passed the 5th day of December, 2013

CHAIRMAN

REGIONAL FIRE CHIEF