

BYLAW 578/96  
TOWN OF ELK POINT

A BYLAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA,  
AUTHORIZING THE TOWN COUNCIL TO PROVIDE FOR THE ESTABLISHMENT AND  
OPERATION OF A FIRE DEPARTMENT.

PURSUANT to the provisions of Section 7 (a) of the Municipal  
Government Act, Statutes Of Alberta, 1994, Chapter M-26.1 with  
amendments in force as of July 15th, 1996 and any amendments  
thereto.

NOW THEREFORE, the Council of the Town Of Elk Point, in the  
Province of Alberta, in session duly assembled, enacts as follows:

1. SHORT TITLE:

This bylaw shall be known as the "Fire Department Bylaw".

SECTION TWO - INTERPRETATIONS

- 2.1 "APPARATUS" - means any vehicle, machinery, devices,  
equipment, or materials for fire  
fighting, as well as any vehicles used  
for transporting fire fighters or  
supplies as well as the Rescue unit.
- 2.2 "COUNCIL" - means the Council for the Town of Elk  
Point.
- 2.3 "EQUIPMENT" - means any tools, contrivances, devices,  
or materials used by the Fire Department  
to combat an incident or other emergency.
- 2.4 "FIRE CHIEF" - means the member appointed by Council  
as head of the Fire Department.
- 2.5 "FIRE DEPARTMENT" - means the department established  
by this bylaw and includes any person  
duly appointed to the Fire Department  
by Council or the Fire Chief.
- 2.6 "FIRE PROTECTION" - means all aspects of fire safety,  
including but not limited to, fire  
prevention, fire fighting or suppression,  
pre-fire planning, fire inspection, fire  
investigation, public education and  
information or other staff development  
and advising staff of those developments.
- 2.7 "INCIDENT" - means a fire, a situation where a fire  
or explosion is immanent or any other  
situation presenting a fire or possible  
danger to a life or property and to which  
the Fire Department has responded.
- 2.8 "MEMBERS" - means any person that is a duly  
appointed member of the Fire Department.
- 2.9 "TOWN" - means the Town of Elk Point, in the  
Province of Alberta.

SECTION THREE - FIRE CHIEF:

- 3.1 The Fire Chief shall be voted in by the Fire Department and  
appointed by Council.
- 3.2 The Fire Chief shall be responsible to the Council for the  
Fire Department and the protection of the people and property  
from fire in the Town.

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- 3.3 The Fire Chief shall appoint other officers and members to the Fire Department.
- 3.4 The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
- 3.5 The Fire Chief shall have complete responsibility and authority over the Fire Department, in conjunction with Council, to which he shall be responsible, and in particular, may carry out all fire protection activities and such other activities as Council directs including, but not limited to:
- (a) Rescue, including Vehicle Extraction.
  - (b) Extinguishing fires.
  - (c) Pre-fire planning.
  - (d) Department Disaster Plan.
  - (e) Preventative training in schools, and workshops when and where able.
  - (f) Training of members.
  - (g) public relations.
- 3.6 The Fire Chief, subject to the ratification by the Council by bylaw, may establish rules, regulations, policies and administrative framework necessary for the proper organization and administration of the Fire Department including but not limited to:
- (a) use, care and protection of Fire Department property.
  - (b) conduct and discipline of officers and members of the Fire Department, and
  - (c) efficient operation of the Fire Department.
- 3.7 The Fire Chief, or in his absence, the Senior Member present, shall have control, direction and management of any and all Fire Department apparatus, equipment and 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.
- 3.8 The Fire Chief, or the 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 by him.
- 3.9 No person shall enter the boundaries or limits of an area prescribed in accordance with Section 3.8 herein, unless he has been authorized to enter by the Fire Chief or the Member in charge.
- 3.10 The Fire Chief, or the Member in charge, at an Incident may request the RCMP to enforce restrictions on persons entering within the boundaries or limits outlined in Section 3.8. herein.
- 3.11 The Fire Chief, or Member in charge, at an Incident is empowered to enter, pass through or over buildings or property adjacent and to cause Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or 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.
- 3.12 The Fire Chief may obtain assistance from other officials of the Municipality as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
- 3.13 Regulations, rules or policies made pursuant to Section 3.5, herein shall not be inconsistent with the legislation and regulations of the Province of Alberta.



SECTION FOUR - CONTROL OF FIRE HAZARDS:

- 4.1 If the Council finds within its municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the Council.
- 4.2 When Council finds that an order is made pursuant to Section 4.1 herein, has not been carried out, it may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- 4.3 The owner or occupier of the land on which work has performed pursuant to section 4.2 herein, shall on demand reimburse the Council for the cost of the work performed and in default of payment the Council has a lien for the amount against the land and improvements on it.

SECTION FIVE - RECOVERY OF COSTS:

- 5.1 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within or outside the Municipal boundaries of the Town or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside of the Municipality, including any such action taken by the Fire Department on a false alarm, the Council may, in respect of any costs incurred by the Fire Department in taking such action charge any costs so incurred by the Fire Department to the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
- 5.2 The schedule of fees to be charged from fire, rescue, also rescue from vehicle extraction, and dangerous goods, shall be set from time to time by resolution of Council.
  - 5.2.1 the Town may recover such costs or fees as a debt due and owing to the Town.
  - 5.2.2 in the case of action taken by the Fire Department in respect of land within the Town, where the cost or fee is not paid upon demand by the Town, then in default of payment, such costs may be charged against the land as taxes due and owing in respect of that land.

SECTION SIX - OFFENSES:

- 6.1. No person shall:
  - 6.1.1 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 at any Incident.
  - 6.1.2 damage or destroy Fire Department apparatus or equipment.
  - 6.1.3 at an Incident, drive a vehicle over any equipment without permission of the Fire Chief or the Member in Charge.
  - 6.1.4 obstruct a Member from carrying out any function or activity related in any way to fire protection.



- 6.1.5 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.
- 6.1.6 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.

SECTION SEVEN - PENALTIES:

- 7.1 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 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, and upon conviction, is liable to a fine not less than \$1,000.00 and not more than \$2,500.00. No person found guilty of an offence under this bylaw shall be liable to imprisonment.

SECTION EIGHT - BYLAWS RESCINDED:

- 8.1 Bylaw #76 dated January 1958 is hereby rescinded.  
Bylaw #249 dated December 1976 is hereby rescinded.

SECTION NINE - EFFECTIVE DATE:

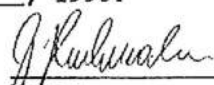
- 9.1 This bylaw shall come into force and effect on the final date of passing thereof.

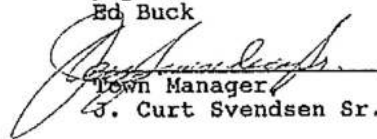
READ A FIRST TIME THIS 9<sup>th</sup> DAY OF December, 1996.

READ A SECOND TIME THIS 9<sup>th</sup> DAY OF December, 1996.

RESOLUTION # 96-110 APPROVED THIRD READING THIS 9<sup>th</sup>, DAY OF December, 1996.

READ A THIRD TIME AND FINALLY PASSED BY A MAJORITY OF THOSE PRESENT THIS 9<sup>th</sup> DAY OF December, 1996.

  
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Mayor,  
Ed Buck

  
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Town Manager  
J. Curt Svendsen Sr.