

Village of Edgerton
Bylaw #02-20
Emergency Services Department Bylaw

A BYLAW OF THE VILLAGE OF EDGERTON IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE EDGERTON EMERGENCY SERVICES DEPARTMENT.

WHEREAS Section 7 of the *Municipal Government Act*, Revised Statutes of Alberta Chapter M-26 and amendments hereto, provide THAT the council of a Municipality may pass a bylaw respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Council of the Village of Edgerton desires to form an Emergency Services Department to include fire protection, emergency medical response, emergency planning and disaster services;

AND WHEREAS the Council of the Village of Edgerton is responsible for the direction and control of its emergency response under the *Emergency Management Act* to establish an emergency services board;

THEREFORE, the Council of the Village of Edgerton, duly assembled, enacts as follows:

PART I: BYLAW TITLE

1. This Bylaw shall be known as the "Emergency Services Department Bylaw."

PART II: DEFINITIONS

2.1 In this bylaw the following shall apply:

- a. "Apparatus" means any vehicle provided with machinery, devices, equipment or materials to attend to an emergency as well as vehicles used to transport emergency personnel or supplies;
- b. "Board" means the Edgerton Emergency Services Advisory Board;
- c. "Council" means the Council of the Village of Edgerton;
- d. "Councils" means the Council of the Village of Edgerton and the Council of the M.D. of Wainwright No. 61;
- e. "Disaster Planning" means those plans required to be made under the *Emergency Management Act* and its Regulations;
- f. "Department" means the Edgerton Emergency Services Department;
- g. "Equipment" means any tools, contrivances, devices or material used by the Department to manage an operations and/or training;
- h. "Emergency Services Protection Area" is defined as the area and boundaries of the Village of Edgerton and the area and boundaries within Division Two (2); and Three (3), excluding the areas already covered by

the Chauvin Fire Area and the Wainwright Fire Area of the Municipal District of Wainwright No. 61;

- i. “Emergency Services Responder” is a member of the Department who has met the requirements of this position outlined in Department regulations;
- j. “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, rescue, dangerous goods response, training or other staff development and advising;
- k. “Operation” means a fire, a situation where a fire or explosion is imminent, emergency medical situation, vehicle accident or any other situation presenting a danger or possible danger to life or property and to which the Department has responded;
- l. “SOG” means Standard Operating Guidelines, established by the Board;
- m. “Manager” means the person appointed by Council to manage the Emergency Services Department;
- n. “Peace Officer” means a Peace Officer as defined in *the Provincial Offences Procedure Act*;
- o. “Policy” means those directives passed by Council to guide and direct the operations of the Department;
- p. “Probationary Emergency Services Responder” means any person who has not yet completed the requirements for an Emergency Services Responder;
- q. “Property” means any real or personal property, which without limiting the generality of the foregoing includes land and structures;
- r. “Operational” means any item, equipment, Emergency Services Responder, apparatus or otherwise which is sanctioned for emergency operations under the guise of the Edgerton Emergency Services Guidelines.
- s. “Training” includes, but is not limited to education related to operations or support functions, which is obtained by Emergency Services Responders.

PART III: EMERGENCY SERVICES

- 3.1 The Council hereby establishes the Edgerton Emergency Services Department for the purposes of:
 - a. preserving life and property and protecting persons and property from injury or destruction;
 - b. disaster planning;

- c. providing emergency medical response;
 - d. providing rescue services;
 - e. responding to, preventing and controlling emergency operations;
 - f. fulfilling approved agreements with other municipalities or persons with respect to emergency services;
 - g. operating apparatus and equipment for preserving life and property as the result of an emergency operation;
 - h. providing emergency protective services by emergency planning;
 - i. providing training and education opportunities for department members.
- 3.2 The Council will establish an Emergency Services Advisory Board to work with the Manager.
- 3.3 The operation and management of an agreement respecting the joint use, control and management of emergency apparatus and equipment with the Municipal District of Wainwright No. 61 shall be vested solely and absolutely in the Emergency Services Advisory Board, subject to direction by the Councils.

PART IV: EMERGENCY SERVICES ADVISORY BOARD

4.1 Board Mandate

- a. The Emergency Services Advisory Board is responsible for overall supervision of the Emergency Services Department and for providing support and assistance to the Emergency Services Manager subject to direction by the Councils;
- b. The Board shall be appointed in a manner hereinafter set out, and shall be a continuing body notwithstanding changes in personnel from time to time;
- c. The Board shall perform the duties as outlined herein which are subject to change or cancellation by Council as is reasonably required.

4.2 Board Formation and Tenure

- a. Board members will include:
 - 1. Two (2) Village Council members appointed by the Village;
 - 2. One (1) elector from the Village appointed by the Village;
 - 3. Two (2) M.D. of Wainwright No. 61 Council members appointed by the District;
 - 4. One (1) elector from each of division 2 & 3 of the M.D. of Wainwright No. 61.

4.3 Organization and Operation

- a. The Board, following its appointment, shall elect a chairman from the appointed members and such other officers it deems necessary;
- b. The Board, at any meeting at which a quorum of the Board are present, may decide to hold regular meetings of the Board and the resolution shall state the day, hour and place of every regular meeting and no notice of any such meeting is necessary;
- c. The Board will hold at a minimum one meeting every quarter year;
- d. The chairman may call special meetings of the Board whenever he considers it expedient to do so, and he shall do so when requested in writing by a majority of the Board;
- e. Written notice of special meetings stating the time and place at which it is to be held, and stating the nature of the business to be transacted thereat shall be given to each Board member:
 - i. By delivering the notice to the Board members or an adult person at the place of business or residence not less than 24 hours prior to the meeting;
 - ii. The Chairman may call a special meeting of the Board on shorter notice, either written or oral, than that afore stated, but the special meeting may not be held unless the notice states the time and place at which the meeting is to be held and the general nature of the business to be conducted, and at least two thirds (2/3) of the Board members give written consent to the holding of a meeting.

4.4 Duties of the Board

- a. The Board will assist the Manager with the administration, management, finances, training and planning of the Department;
- b. The Board will oversee the development and maintenance of Standard Operating Guidelines for the Department. A review of the Standard Operating Guidelines shall be conducted once every thirty-six (36) months;
- c. The Board will assist in the recruitment of rural and urban members for appointment to the Department;
- d. The Board will recommend to Council the level of training, experience, age or other related requirements for membership and level of responsibility for each level or position within the Department;
- e. The Board may recommend to Council the training requirements for Emergency Responders be waived for a specific time period for a specified reason;
- f. The Board will hear an appeal of an Emergency Responder who has been dismissed by the Manager and make a recommendation to Council on what course of action to take;

- g. The Board will perform a liaison role between the Department and the Councils. This includes making recommendations to Councils on behalf of the Department;
- h. The Board will promote the positive image of the Department to the public;
- i. The Board will assist in the development of the Department's operating budget for Council approval;
- j. The Board will assist in the development of the Department's capital budget for Council approval;
- k. Annually by June 30th, the Board will provide the Manager with a written performance evaluation of his/her service. The results of the evaluation and a letter of expectations for the following evaluation period will be provided to the Manager by the Board;
- l. The Board may make recommendations to Council regarding the tenure of the Manager;
- m. The Board shall encourage Emergency Responders to take the training necessary to become the Manager. The goal is to have a member involved in management training each year, as per the Standard Operating Guidelines A012;
- n. The Board shall oversee the activities and goals of the Edgerton Emergency Services Society;
- o. The Board shall ensure collaboration with and cooperation with the goals of the Council appointed Director of Emergency Management (DEM) and/or the Deputy Director of Emergency Management (DDEM), whose responsibilities and authority are established by Village bylaw;
- n. All recommendations of the Manger for promotion and demotion within the Department will be considered by the Board.
- o. This Bylaw acknowledges the formation of the Edgerton Emergency Services Department Society, its status, intentions, and goals.

4.5 Limit to the power of the Board

- a. The Board has no authority to involve itself directly with the operation of the Department, extenuating or extraordinary situations and circumstances excepted;
- b. The Board has no authority to indebt the Municipalities to any amount nor does it have any authority to set up any organization on behalf of the Municipalities or the Department.

PART V: MANAGER OF EMERGENCY SERVICES – APPOINTMENT, ROLE & RESPONSIBILITIES

- 5.1 Council of the Village of Edgerton shall appoint the Emergency Services Manager.
- 5.2 The person appointed as Manager will remain in the position at the pleasure of Council and may be removed without notice for failure to perform in a timely and effective manner, the duties assigned by this Bylaw and Village policy.
- 5.3 The Manager may, as he/she deems necessary or as required by Village policy, appoint Probationary Emergency Services Responders to the Department according to the relevant Department SOGs.
- 5.4 The Manager shall recommend to the Board a Probationary Emergency Services Responder for appointment to Emergency Services Responder status.
- 5.5 The Manager shall be responsible for the operation of the Emergency Services Department, which shall include, but not be limited to, all operation responses, training, planning and such other activities as Council directs.
- 5.6 The Manager shall have responsibility and authority over the Department, subject to the direction of Council, and shall prescribe rules, regulations and operational procedures for the proper organization and administration of the Department including but not limited to:
 - a. The use, care and protection of Department property;
 - b. The maintenance of all equipment, vehicles, apparatus and materials assigned to the care of the Department;
 - c. The training, conduct, discipline, duties and responsibilities of the members of the Department;
 - d. The efficient operation of the Department;
 - e. Participation in disaster planning.
- 5.7 Regulations, rules and Standard Operating Guidelines made pursuant to this Bylaw shall be consistent with the laws of the Province of Alberta.
- 5.8 The Manager may delegate his duties to other Emergency Responders.
- 5.9 The Manager has the authority to discipline and/or dismiss a member of the Department for gross misconduct as per the Standard Operating Guideline A002.
- 5.10 The Manager shall:
 - a. Within the Council approved budget and in accordance with any relevant policies, purchase or otherwise acquire equipment, apparatus, materials, training and supplies required for the operation, maintenance and administration of the Emergency Services Department;
 - b. Administer the Department operational budget, expenditures and purchases within Village policy;

- c. Keep, or cause to be kept, records of operations attended, all training sessions, care maintenance of equipment and vehicles, inspections carried out and any other records incidental to the function of the Department in a form and method prescribed by Council;
 - d. Establish and maintain Standard Operating Guidelines for the Edgerton Emergency Services Department in a form approved by the Advisory Board.
- 5.12 The Manager and/or their representative shall report to Council on the operation of the Department no less than two (2) times per year, as requested by Village policy and/or direction.
- 5.13 The Manager or in his/her absence, the senior Emergency Services Responder present who has the most formal training shall have control, direction and management of any Department apparatus, equipment or manpower assigned to an operation and, where an Emergency Services Responder is in charge, he/she will continue to act until relieved by the Manager.

PART VI: JURISDICTION LIMITS OF THE EMERGENCY SERVICES DEPARTMENT

- 6.1 The limits of jurisdiction of the Manager and Emergency Services Responders will extend to the Emergency Services Protection Area; however, the Manager is authorized to dispatch apparatus to operations beyond the Emergency Services Protection area where such response does not compromise Emergency Services of the Emergency Service Protection Area and where there is a mutual aid agreement.
- 6.2 When the Department responds to an operation beyond the boundary of the Emergency Services Protection Area and the operation location is not covered by a mutual aid agreement with the Village of Edgerton, then the owner or occupant of the land, property or equipment shall be required to pay the Village fees, as established by Council.
- 6.3 In addition, the above owner or occupant shall be liable for any and all costs and charges which may be incurred by the Village as a result of, or pursuant to, such responses beyond the boundary of the Emergency Services Protection Area, as authorized by the Manager.

PART VII: BUDGETS AND FINANCES

- 7.1 The Village of Edgerton will provide financial resources, as determined by Council, to operate the Edgerton Emergency Services Department.
- 7.2 The Manager in consultation with Emergency Services Responders and the Board will prepare a five (5) year operating budget to present to Council for approval.
- 7.3 The Manager in consultation with Emergency Services Responders and the Board will prepare a five (5) year capital budget to present to Council for approval.
- 7.4 The Village will administer the accounts of the Department funded by the Village.

- 7.5 The Village will requisition the Municipal District of Wainwright annually for operational funds based upon the Joint Fire Protection Agreement.

PART VIII: POWER AND CONTROL AT AN OPERATION

- 8.1 The Manager, or Emergency Services Responder in charge, shall have control, direction and management of any Department apparatus, equipment and manpower assigned to an operation, and where an Emergency Services Responder is in charge, he/she shall continue to act until relieved by the Manager.
- 8.2 The Manager or Emergency Services Responder in charge at an operation may at his/her discretion, establish boundaries or limits and keep unauthorized persons from entering the area within the prescribed boundaries or limits.
- 8.3 The Manager or Emergency Services Responder in charge at an operation may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 8.2 herein.
- 8.4 The Manager or Emergency Services Responder in charge at an operation may obtain assistance from other officials of the Municipality in order to discharge his/her duties and responsibilities under this Bylaw.
- 8.5 The Manager or Emergency Services Responder in charge at an operation is empowered to commandeer privately owned equipment which he/she considers necessary to deal with an operation.
- 8.6 The Manager or Emergency Services Responder in charge at an operation may request persons who are not members to assist at an operation by:
- a. patrolling the boundaries established under Section 8.2 herein;
 - b. controlling traffic;
 - c. evacuating persons and/or property from the area;
 - d. guarding and securing the area;
 - e. moving apparatus, equipment, materials and supplies to and around the operation.

PART IX: POWERS OF EMERGENCY SERVICES RESPONDERS

- 9.1 Each Emergency Services Responder shall have the authority and power to:
- a. Perform work related to dealing with and controlling an operation to preserve life and property and to enter onto any property for the purposes aforementioned;
 - b. Prevent interference with the efforts of persons engaged in dealing with and controlling the operation or preventing the spread of the conditions related to an operation by regulating the conduct of the public at or near the vicinity of any operation;
 - c. Commandeer the use of any equipment for the purpose of dealing with and controlling an operation or for the purpose of preserving life or property.

- 9.2 Each Emergency Services Responder is expected to attain the level of training outlined in the relevant Department SOGs.
- 9.3 An Emergency Services Responder will not attend an operation and/or training if he/she is under the influence of alcohol, cannabis, prescription drugs and/or illegal drugs.
- 9.4 An Emergency Services Responder may appeal to the Board his/her dismissal by the Manager.

PART X: OFFENCES

- 10.1 No person at an operation shall impede, obstruct or hinder an Emergency Services Responder or other person assisting or acting under the direction of the Manager or the Emergency Services Responder in charge.
- 10.2 No person shall damage or destroy Department apparatus or equipment.
- 10.3 No person at an operation shall drive a vehicle over any equipment without permission of the Manager or the Emergency Services Responder in charge.
- 10.4 No person shall obstruct an Emergency Services Responder from carrying out duties imposed by this Bylaw.
- 10.5 No person shall falsely represent himself/herself as an Emergency Services Responder or wear or display any Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- 10.6 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any operation, fire hydrant, cistern, body of water or any other item required to deal with an operation.

PART XI: PENALTIES

- 11.1 A person who contravenes or fails to comply with any provision of this Bylaw, as per PART X, is guilty of an offence and is liable to consequences per the current Village of Edgerton Fee Schedule.

PART XII: INDEMNIFICATION OF THE EMERGENCY SERVICES DEPARTMENT MEMBERS

- 12.1 The Manager or Emergency Services Responder charged with the enforcement of this Bylaw, acting in good faith and without malice for the Municipality in the discharge of his/her duties, shall not hereby render himself/herself liable personally and he/she is hereby relieved from all personal liability.
- 12.2 Any suit brought against the Manager or Emergency Services Responder because of an act or omission performed by him/her in the enforcement of this Bylaw, acting in good faith and without malice for the Village in the discharge of their duties, shall be defended by the Village of Edgerton until final determination of the proceedings.

- 12.3 An Emergency Services Responder is not relieved of personal liability if he/she is found to have been under the influence of alcohol, cannabis, prescription drugs and/or illegal drugs while responding to an operation, training, operational readiness, or other Department activity.
- 12.4 The Manager or the Emergency Services Responder in charge is assigned the responsibility to relieve a fellow member of his/her duties if the said member is unfit for duty and/or thought to be under the influence of alcohol, cannabis, prescription drugs, any encumbrance reasonably thought to impede performance, and/or illegal drugs and/or is otherwise unfit to perform the required duties.

PART XIII: GENERAL

- 13.1 This Bylaw shall come into force on the date of final passing thereof.
- 13.2 Should any section or part 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 rest of 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.

PART XIV: REPEAL

- 14.1 This Bylaw shall repeal Bylaw 02/11.

READ A FIRST TIME THIS _____ DAY OF _____ 2020

READ A SECOND TIME THIS _____ DAY OF _____, 2020

READ A THIRD TIME AND UNANIMOUSLY PASSED THIS _____ DAY
OF ____ 2020

Mayor: _____

Chief Administrative Officer: _____