

**COUNTY OF TWO HILLS NO. 21
IN THE PROVINCE OF ALBERTA
BYLAW NO. 11-2022**

A BYLAW OF THE COUNTY OF TWO HILLS NO. 21, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING FIRE PROTECTION SERVICES AND THE RECOVERY OF FIRE PROTECTION SERVICE COSTS.

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended, provides that a Council of a Municipality may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS, the *Forest and Prairie Protection Act* requires the Council of a Municipality to fight and control all fires within the boundaries of the Municipality;

WHEREAS, the County of Two Hills has been accredited by the Safety Codes Council in the Fire Discipline under Fire Accreditation No. M000308; and,

WHEREAS, the Council for the County of Two Hills wishes to establish a fire service and provide for the efficient operation of that fire service.

NOW THEREFORE, the Council of the County of Two Hills No. 21, in the Province of Alberta, duly assembled, does hereby enact as follows:

SECTION 1: TITLE

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

SECTION 2: DEFINITIONS

2.1 In this Bylaw:

- 2.1.1 “Apparatus” means any vehicle suitable for land, air, or water use which is provided with machinery, devices, equipment, materials or personnel for firefighting, rescue, or other emergency response, as well as vehicles used to transport Members or supplies;
- 2.1.2 “Burn Barrel” means a large open top steel drum, with air vent holes cut or drilled around the base for air intake with a metal grating over the exhaust used for the controlled incineration of private waste with the exception of preserved wood, rubber, plastic, animal manure and pathological waste;
- 2.1.3 “CAO or Chief Administrative Officer” means the individual appointed by Council to the position of CAO for the County in accordance with the *Municipal Government Act*, R.S.A. 2000, Chapter M-26;
- 2.1.4 “Council” shall mean the Council of the County of Two Hills No. 21;
- 2.1.5 “County” means the County of Two Hills No. 21;
- 2.1.6 “Emergency Unit” means any vehicle operated for emergency purposes whether on land, water or in the air by the Fire Department;
- 2.1.7 “Enforcement Officer” means a Community Peace Officer, Bylaw Enforcement Officer, or other individual appointed by the County with respect to enforcement of bylaws of the County and authorized to issue Violation Tickets. All Enforcement Officers are designated

officers within the meaning of the *Municipal Government Act* R.S.A 2000 Chapter M-26, as amended, for the purposes of enforcing provisions of this Bylaw;

- 2.1.8 “Equipment” means any tools, contrivances, devices and materials used by a Fire Department to combat an incident or other emergency;
- 2.1.9 “False Alarm” means any notification to a Fire Department or any Member thereof respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or property, wherein such a condition, circumstance or event is in fact not in existence;
- 2.1.10 “Fire” means the burning of any flammable or combustible material or any combustible material in a state of combustion;
- 2.1.11 “Fire Chief” means the Member of a fire department who is appointed as the head of a Fire Department;
- 2.1.12 “Fire Department” means the fire department as established and organized for the County pursuant to the provisions of this bylaw consisting of, inter alia, all person appointed or recruited to the various positions prescribed herein, all equipment, emergency units, materials and supplies used in the operation, maintenance and administration of the Fire Department, including fire stations;
- 2.1.13 “Fire Guardian” means any person Council shall appoint to preform such functions;
- 2.1.14 “Fire Hazard” means any condition, circumstance, or event that increases the possibility and/or probability of fire occurrence;
- 2.1.15 “Fire Permit” means a permit issued pursuant to this Bylaw;
- 2.1.16 “Fire Protection” means all aspects of fire safety, including fire prevention, fire suppression, fire investigation, public education, training, advising and the dissemination of fire safety information;
- 2.1.17 “Fire Protection Services” means all aspects of fire safety including but not limited to, fire prevention, fire suppression, firefighting, rescue, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development, advising, and responding to a request for fire protection, including legitimate emergencies and false alarms;
- 2.1.18 “Fire Protection Charge” means the charges and fees payable pursuant of the Bylaw;
- 2.1.19 “Fireworks” means any article defined as a firework or firecracker pursuant to the *Canada Explosives Act* as amended, repealed or replaced from time to time or regulations thereto, as well as the *Alberta Fire Code*, as amended, repealed or replaced from time to time;
- 2.1.20 “Incident” means a fire or situation where an explosion is imminent or any other situation where there is a danger or a possible danger to health, life, property or the environment and to which the Fire Department has responded;
- 2.1.21 “Incident Commander” means the County agent or Member of the Fire Department who is responsible for the coordination and execution of overall strategy and fire protection tactics involved in combating an incident;

- 2.1.22 “Incinerator Fire” means a fire for the purpose of burning household refuse, except plastics, that is confined within a non-combustible structure or container that has its draft and smoke vents covered by a heavy gauge metal screen having a mesh size not larger than 6 millimeters or which is ventilated in such a manner as to preclude the escape of combustible materials and a minimum of 30 meters from any structure or standing timber;
- 2.1.23 “Member” means any person who is a duly appointed Member of the Fire Department including the Fire Chief, an officer and volunteer firefighter;
- 2.1.24 “*Municipal Government Act* or MGA” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time;
- 2.1.25 “Officer” means a Member duly appointed as the Fire Chief, Deputy Fire Chief or other such position having a supervisory role within the Fire Department;
- 2.1.26 “Outdoor Fireplace” means a receptacle;
- 2.1.27 “Person” means any individual, body corporate, partnership or other type of legal entity whatsoever;
- 2.1.28 “Pit Fire” means an outdoor receptacle;
- 2.1.29 “Practice” means a gathering of the Members scheduled by the Fire Chief or designated Officer, and at which training in Fire Protection Services is conducted;
- 2.1.30 “Property” means any real or personal property, which, without limiting the generality of the foregoing, includes land, equipment, products, vehicles and structures;
- 2.1.31 “Recreational Fire” means a fire for the recreational purposes and is confined to a non-combustible container, such as a Pit Fire or Outdoor Fireplace, as approved by a municipal Fire Guardian, which is set for the purpose of cooking, obtaining warmth or viewing for pleasure. Such fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane.
- 2.1.32 “Running Fire” means a fire burning without being under the proper or any control of a person; and
- 2.1.33 “SCO” means Safety Codes Officer, any person designated powers by the Safety Codes Council in the Fire Discipline within the County.

SECTION 3: INTERPRETATION

- 3.1 Wherever the provisions of this Bylaw are at variance with each other, the more restrictive of the two provisions shall apply.
- 3.2 Where there is any conflict between the provisions of this Bylaw and any other Bylaw, the provision of this Bylaw shall prevail.

SECTION 4: ESTABLISHMENT OF FIRE DEPARTMENTS

- 4.1 Council hereby establishes volunteer rural fire departments for the following purposes:

- a) Providing Fire Protection Services;
- b) Preventing, combating and extinguishing fires and incidents;
- c) Investigating the cause and origin of fires and incidents;
- d) Preserving life and property and protecting persons and property from injury or destruction by fire or incident;
- e) Operating apparatus and equipment for the purpose of extinguishing fires or incidents preserving life and property;
- f) Fulfilling obligations under the approved Fire Protection Agreements;
- g) Providing public education about fire safety;
- h) Carrying out fire inspections and prevention patrols;
- i) Pre-Fire and emergency planning and practice;
- j) May provide initial first response to medical incidents; and,
- k) May provide road rescue services.

Each of the above purposes shall be preformed by the Fire Department to the level of service adopted by Council in its applicable policies, guidelines and Standard Operating Procedures, which shall not be inconsistent with the legislation and regulation of the Province of Alberta.

SECTION 5: FIRE DEPARTMENT JURISDICTIONS

- 5.1 The Fire Department of the County shall consist of a Fire Chief, Members, buildings, Apparatus and equipment necessary to safeguard the health, welfare and safety of the people and to protect people and property.
- 5.2 The County shall be divided into districts as deemed necessary for the proper control and prevention of fires and to protect people and property.
- 5.3 The jurisdiction of the Fire Department shall extend to the corporate limits of the County, no Emergency Unit shall be used beyond the limits of the County without permission of the Fire Chief except where duly approved contracts or agreements have been entered into.

SECTION 6: POWERS AND DUTIES OF FIRE CHIEF / INCIDENT COMMANDER

- 6.1 The Fire Chief may be appointed by Council.
- 6.2 Other officers and members as the Fire Chief deems necessary may be appointed to the Fire Department.
- 6.3 The Fire Chief may appoint a Deputy Chief or other officer to act as Fire Chief in their absence.
- 6.4 The Fire Chief may, upon approval of CAO/ Director of Finance within budget, purchase or otherwise acquire equipment, apparatus, materials and supplies necessary for the operation, maintenance and administration of the Fire Department.
- 6.5 The Fire Chief shall have, subject to the direction of the CAO, the full and complete control and authority over the Fire Department, its Members, its organization, administration and discipline, including powers of promotion

for merit, or reprimand, censure, suspension or dismissal for neglected duty, insubordination or other cause.

- 6.6 The Fire Chief may, subject to ratification by Council, establish rules, regulations, policies and procedures necessary for the proper organization, operation and administration of the Fire Department.
- 6.7 The Fire Chief or Incident Commander in charge at an incident has the authority to cause a building or structure to be demolished or otherwise removed if it is deemed necessary to prevent the spread of fire to other buildings, structures or places.
- 6.8 The Fire Chief or Incident Commander in charge at an incident is empowered to enter premises or property where the incident occurred and to cause any Members, Apparatus or equipment of the Fire Department to enter as they deem necessary in order to combat control or deal with the incident.
- 6.9 The Fire Chief or Incident Commander at any Incident shall also have the power, if they deem it necessary for the protection of any building or other property to enter or pass through or to cause the Members of the Fire Department to enter or pass through any building or premise adjacent or near the scene of any building or premise adjacent or near the scene of an Incident, or to convey through or to use, operate through, in or from such adjacent or nearby building or premise any Emergency Units or equipment which they deem necessary.
- 6.10 The Fire Chief or Incident Commander at any Incident may at their discretion prescribe the limits in the vicinity of the Incident within which, until they remove or changes such limits, no person or vehicle shall be permitted to come unless such person be a regular Member of the Fire Department or police department, or be admitted by the order of the Fire Chief. Any person who should without permission enter upon any portion within such limits herein specified during the time the same shall be so closed shall be subject to the penalties of this Bylaw.
- 6.11 The Fire Chief or Incident Commander shall be authorized to call upon police officers to enforce restrictions on a person entering within the boundaries or limits established as authorized by the Fire Chief.

SECTION 7: DISCHARGE OF DUTIES / LIABILITY

- 7.1 The Fire Chief or any employee charged with the enforcement of this Bylaw, acting in good faith and without malice for the County in the discharge of their duties, should not hereby render themselves liable personally and they are hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any required or by reason of any act or omission in the discharge of their duties.
- 7.2 The CAO, Fire Chief, Members, Enforcement Officers, or anyone else authorized to enforce the provisions of this Bylaw or take steps under this Bylaw are not liable for loss and damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers.

SECTION 8: PERMITS

- 8.1 No person shall light or cause to be lit an outdoor fire on land unless that person is in possession of a Fire Permit. Firework permits are required. Firework permits are required for the discharge of any fireworks device within the County of Two Hills. Fireworks permits will be issued to individuals 18 years of age or older. All fireworks permits and usage shall be in conformance with Province of Alberta Legislation.

- 8.2 No person shall allow any outdoor fire that is not authorized by a permit on land that is owned or occupied by them or under their control.
- 8.3 No permit is required for an outdoor campfire used for cooking in an approved pit or fireplace.
- 8.4 No person or persons shall light or cause to be lit a fire in a receptacle or container utilized for garage storage within the boundaries of any Hamlet or Lake Subdivision within the County.

SECTION 9: FIRE BAN

- 9.1 The CAO or their designate may, from time to time, prohibit all fires within the County including fires when in the opinion of the CAO or their designate, the prevailing environmental conditions give rise to an increased risk of a fire becoming a running fire.
- 9.2 A fire ban imposed pursuant to this Bylaw, shall remain in force either until the date established by the CAO or their designate in the notice provided to the public, or until such time the CAO provides notice to the public that the fire ban is no longer in effect.
- 9.3 Notice of the fire ban in effect may be given by causing signs to be posted at the entrance of roads to the County and on the County's website.
- 9.4 When a fire ban is in place, no person shall ignite a fire, whether or not the person is the holder of a fire permit and shall immediately extinguish any fire lit once the person knows or ought to reasonably know of the fire ban.

SECTION 10: REQUIREMENT TO REPORT

- 10.1 The Owner or authorized agent of any property damaged by fire shall immediately report to the Fire Department particulars of the fire which are satisfactory to the Fire Chief or designate.
- 10.2 The Owner or authorized agent of any property containing a dangerous goods product which sustains accidental or unplanned release of the dangerous goods product shall immediately report to the Fire Department particulars of the release which are satisfactory to the Fire Chief or designate.

SECTION 11: VIOLATIONS AND INTERFERENCE WITH DUTIES

- 11.1 No person shall in any way impede or hinder any Member of the Fire Department or person who shall be assisting in the extinguishing any fire or acting under the directions of the Fire Chief or performing any other duties provided for in this Bylaw, and no person shall move any fire hose or drive a vehicle over any fire hose at any fire without permission of the Fire Chief or Incident Commander in charge.
- 11.2 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, cisterns or bodies of water designated for firefighting purposes.
- 11.3 Any person who in any way obstructs, prevents or refuses to admit a Safety Codes Officer, Fire Inspector or Fire Investigator in, to or upon land, premises, yards, or buildings, for the purpose of inspecting or investigating on the same, or who incites or abets such shall be considered in breach of this Bylaw.
- 11.4 No person shall willfully or maliciously destroy or injure any property at a

fire or and Emergency Units belonging to the Fire Department.

- 11.5 No person shall falsely represent themselves to be an employee, or member or connected with the Fire Department.
- 11.6 No person shall use or have in their possession or control, any key for any Fire Department vehicle, or building, or key for any fire alarm within the County unless directly and specifically authorized to by the Fire Chief.
- 11.7 No person, unless authorized by the Fire Chief for practice purposes, shall, by use of fire alarm, telephone, or any method normally used make or cause to be made any false alarm.
- 11.8 No person shall falsely state that they have the sanction of the Fire Department in soliciting any person or company on any matter.
- 11.9 Any person who refuses to provide or furnish any information required under this Bylaw, when requested by a Member of the Fire Department, or who encourages such shall be considered in breach of this Bylaw.
- 11.10 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 refrains from doing anything required to be done by any provisions of this Bylaw, or who does not act or omits any act or thing thus violating any of the provisions of this Bylaw, shall be deemed guilty of an infraction of this Bylaw, and upon a summary conviction liable to penalties prescribed.

SECTION 12: FEES FOR SERVICE / RECOVERY OF COST

- 12.1 The County may:
 - a) Charge fees on a cost recovery basis for any service provided by the Fire Department.
 - b) Notwithstanding part (a) above, fees or charges in excess of cost recovery rates for Fire Department services must be approved by Council.
- 12.2 Where the fire service has taken action whatsoever for the purpose of extinguishing a fire within or outside the County for the purpose of preserving life or property from injury or destruction by fire, the owner or occupant of a parcel of land in respect of where the action was taken is liable for expenses and costs related to the municipality extinguishing fires on the parcel.
- 12.3 Where the County has incurred costs as a result of an incident, the County may charge a fee and/or costs to:
 - a) The person who directly or indirectly, personally or through any employee or agent, is responsible for the incident; or
 - b) In the case of a fire the owner, occupant or the person in control of the land where the fire originated.
- 12.4 The owner of a parcel to which fire protection is provided is liable for fire protection charges incurred, and according to Section 553 of the MGA, the County may add to the tax roll of a parcel of land all unpaid fire protection charges and interest charges accrued one hundred and twenty (120) days after the fire protection charge has been levied.
- 12.5 Where any person who caused a fire fails to pay the fire protection charges, the County may add the unpaid fire protection charges, together with any interest charges accrued, to the tax roll of any property for which that person

is the assessed person.

12.6 All Fire Protection which occurs on Provincial Highways will be charged directly to Alberta Transportation for reimbursement rates established by Alberta Transportation.

SECTION 13: SERVICE, COST RECOVERY FEES AND PENALTIES

13.1 The fees to be charged for fire, rescue, dangerous goods, false alarm responses and other services not identified that may be performed by any Fire Department in the fire boundaries shall be described in the Schedule A Fire Protection Charges.

12.7 Charges to be levied to the owner or occupant of a land, vehicle, machinery, equipment or structure of any type within the boundaries with regard to the emergency response and or other services provided are specified in the Schedule A Fire Protection Charges.

1. Should circumstances arise that no fire protection equipment was required during a response County of Two Hills reserves the right to charge the owner or occupant the actual labor charges incurred by the Fire Department.
2. County of Two Hills No. 21 shall establish a ceiling of \$10,000 being the maximum charge that a resident, owner or occupant of land classified as residential or farmland will be expected to pay for fire or emergency response services.
3. Land that is not classified as residential or farmland is exempted the maximum \$10,000 charge and will be charged all applicable costs.

SCHEDULE “A” FIRE PROTECTION CHARGES

PER HOUR	CHARGE/HOUR
Firefighter	\$20.00
<i>Minimum one hour charge per unit below, includes fire fighters</i>	
Pumper (engine) truck	\$650.00
Tender (tanker) truck	\$650.00
Rescue truck	\$190.00
Wildland Skid/Truck	\$190.00
ATV/other specialty equipment	\$190.00
Rapid Response Unit	\$190.00
FLAT RATE	CHARGE
ALARM CALL (administration discretion if wherein such condition, circumstance, fire or other event may or may not exist)	\$400.00
MEDICAL FIRST RESPONSE	\$0.00
Non-Permitted Fire Fine	\$500.00 (plus equipment)
OTHER	
Any Unit Response on Provincial Highway	Alberta Transportation rates are charged out as per Alberta Transportation’s Table 1: Rates of Reimbursement for Fire Department Units Responding Within a Provincial Highway Right of Way.
ADMINISTRATION SURCHARGE: TRANSFER AMOUNT OWED TO TAX ROLL	\$50.00

SECTION 14: RIGHT OF REVIEW

- 13.1 Any person who receives a written order or fire protection charge issued pursuant to this Bylaw may request a review of the order or fire protection charge by Council, under terms prescribed by section 547 of the MGA, as 10amended, by issuing a written review request including reasons for the review request to Council within 14-days after receiving the order or notice of the fire protection charge.
- 13.2 After reviewing the order or fire protection charge, Council may confirm, vary, substitute or cancel the order of fire protection charge.

SECTION 15: EFFECT

- 14.1 This Bylaw shall come into force on the day it is enacted by Council.
- 14.2 Upon coming into force of this Bylaw, Bylaw No. 2-2001 and Bylaw No. 3-2001 are hereby rescinded.

MOVED BY COUNCIL - That Bylaw No. 11-2022 be given first reading this 29th day of March, 2023.

Original signed by Reeve

REEVE

Original signed by CAO

CAO

MOVED BY COUNCIL - That Bylaw No. 11-2022 be given second reading this 19th day of April, 2023.

MOVED BY COUNCIL - That Bylaw No 11-2022 be given third and final reading and finally passed this 19th day of April, 2023.

Original signed by Reeve

REEVE

Original signed by CAO

CAO