

BYLAW NO. 4500

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT to regulate Fire Services.

WHEREAS the **Municipal Government Act, R.S.A. 2000, c. M-26**, provides that the council of a municipality may pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property; and
- (b) services provided by or on the behalf of the municipality;

AND WHEREAS Council for the City of Medicine Hat considers it expedient to provide for the operation of Medicine Hat Fire Services and the position of Fire Chief;

AND WHEREAS the Safety Codes Act, R.S.A. 2000, c. S-1, authorizes an accredited municipality to make bylaws respecting:

- (a) fees for services provided pursuant to the Safety Codes Act; and
- (b) carrying out its powers and duties as an accredited municipality;

AND WHEREAS the City of Medicine Hat is an accredited municipality pursuant to the Safety Codes Act;

AND WHEREAS it is desirable that Fire Services provide certain non-emergency services and that the people for whom non-emergency services are provided be responsible for offsetting the cost of providing those services;

NOW THEREFORE the Council of the City of Medicine Hat, in the Province of Alberta, duly assembled, enacts as follows:

PART I

GENERAL PROVISIONS

Short Title

1. This Bylaw may be cited as the "Fire Services Bylaw".

2. (1) In this Bylaw:

"apparatus" means any vehicle or *equipment* used or operated by the *Department*;

"business owner" means a *person* in whose name a business licence is issued;

"City" means the *municipal corporation of the City of Medicine Hat*, and includes the geographical area within the boundaries of the City of Medicine Hat where the context so requires;

"Commissioner" means the *City's* Commissioner of Public Services and includes any person to whom the powers of the Commissioner of Public Services are delegated or any person appointed to act in the absence of the Commissioner of Public Services;

"Council" means the Council of the *City*;

“*dangerous goods*” means:

- (i) any material or substance that may constitute an immediate or long-term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment; and
- (ii) any product, substance or organism listed in Schedule 1 of the Alberta Dangerous Goods Transportation and Handling Regulation, AR 157/1997;

“*Department*” means the *City* business unit known as Fire Services;

“*emergency*” includes a situation in which there is imminent danger to public safety or of serious harm to property;

“*equipment*” means any tools, contrivances, devices or materials used by the *Department*;

“*Fire Chief*” means the individual appointed to the position of Fire Chief pursuant to section 3 and includes any person to whom the powers of the Fire Chief Powers are delegated or any person appointed to act in the absence of the Fire Chief;

“*Fire Code*” means any code, standard or body of rules declared in force pursuant to the Fire Code Regulation, AR 118/2007;

“*fire protection*” means all aspects of fire safety including firefighting and suppression, pre-fire planning, fire prevention, fire inspection, fire investigation, public education and information, training and other staff development, rescue and emergency services and the delivery of all those services;

“*incident*” means any situation to which the *Department* has responded due to the danger or possible danger to the safety, health and welfare of people, property or the environment;

“*member*” means any employee of the *City* that reports either directly or indirectly to the *Fire Chief*,

“*officer*” means any police officer, peace officer, or bylaw enforcement officer employed by the *City*;

“*person*” means an individual or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication otherwise requires;

“*property manager*” includes a management company and a *person* who is responsible for the maintenance or upkeep of a *structure*;

“*property owner*” includes a *person* on title for a parcel of land, a tenant, and a *person* in apparent control of a parcel of land;

“*registered owner*” means the *person* in whose name a vehicle is registered pursuant to the *Traffic Safety Act*, R.S.A. 2000, c. T-6;

“*structure*” means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special

mention by transfer or sale of the land.

- (2) Nothing in this Bylaw relieves a *person* from complying with any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- (3) Any headings or subheadings in this Bylaw are included for guidance purposes and convenience only, and do not form part of this Bylaw.
- (4) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.
- (5) All Schedules attached to this Bylaw form part of this Bylaw.
- (6) Any reference in this Bylaw to a section, unless otherwise specified, is a reference to a section in this Bylaw.
- (7) Specific references to laws in this Bylaw are meant to refer to the current laws applicable within the Province of Alberta as at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.

PART II

FIRE CHIEF

Appointment of Fire Chief

3. (1) The position of *Fire Chief* for the *City* is hereby established.
- (2) Council shall by resolution appoint an individual as Fire Chief.
- (3) The *Fire Chief* is subject to the supervision of and accountable to the *Commissioner*. The *Commissioner* is responsible for the *Fire Chief's* performance management, up to and including dismissal.
- (4) If the position of *Fire Chief* becomes vacant due to resignation, retirement or termination, the *Commissioner* may appoint an interim *Fire Chief*.

Acting Fire Chief

4. The *Fire Chief* may appoint an acting Fire Chief in the *Fire Chief's* absence.

Authority

5. (1) The *Fire Chief* has responsibility for fire protection services provided by the *City* and has authority over the *Department* for this purpose. The *Fire Chief* must prescribe the rules, regulations and policies for:
 - (a) the use, care and protection of *apparatus*;
 - (b) the conduct, discipline, duties and responsibilities of the *members*; and
 - (c) the efficient and sustainable operation of the *Department*.

- (2) The *Department* is subject to all *City* policies, except to the extent that those policies hinder or interfere with the *Department's* ability to respond to fires or other *emergencies*.

Jurisdiction

6. The limit of the authority of the *Fire Chief* extends to the area and boundaries of the *City*, excepting that the *Fire Chief* is authorized to dispatch *apparatus* and *members* to *incidents* beyond the boundary limits of the *City* where:
 - (a) such response does not compromise *fire protection* services of the *City*, or
 - (b) the *City* has entered into a contractual arrangement with a municipality or other *person* to provide *fire protection* or other services.

PART III

FIRE DEPARTMENT OPERATIONS AT INCIDENTS

Control, Direction and Management

7. The highest ranking *member* present at an *incident* has control, direction and management of any *apparatus* or *member* deployed to the *incident*.

Demolishing structures

8. The highest ranking *member* present at an *incident* is empowered to cause a *structure* or thing to be pulled down, demolished or otherwise removed if it is deemed necessary to prevent the spread of fire to other *structures* or things.

Entry onto premises

9. The highest ranking *member* present at an *incident* is empowered to enter *structures* or property where the *incident* is occurring and to cause any *member* or *apparatus* to enter the premises or property in order to combat, control or deal with the *incident*.

Entry onto adjacent premises

10. Any *member* at an *incident* is empowered to enter, pass through or over *structures* or property adjacent to the property where the incident is occurring and to cause apparatus to enter or pass through or over the *structure* or property, where it is deemed necessary to gain access to the *incident* or to protect any *person* or property.

Incident boundary

11. (1) The highest ranking *member* present at an *incident* may establish a perimeter around the *incident* and keep *persons* from entering the area within the perimeter.
 - (2) A *person* must not enter the area established pursuant to subsection (1) unless authorized to do so by the highest ranking *member* present at an *incident*.

Order to vacate

12. (1) The highest ranking *member* present at an *incident* may direct *persons* to vacate a

structure or an area established pursuant to subsection 11(1).

- (2) A person must comply with a direction made pursuant to subsection (1).
- (3) The highest ranking *member* present at an *incident* may request the assistance of an *officer* to ensure no *person* remains in or re-enters a *structure* or an area established pursuant to subsection 11(1).

Interference with a Member

13. A *person* must not impede or interfere with or hinder a *member* in the performance of the *member's* duties.

Interference with Equipment

14. (1) A *person* must not damage, destroy or alter any *apparatus* or facility used or occupied by the *Department*.
- (2) A *person* must not drive a vehicle over any *equipment* without the permission of the highest ranking *member* present at an *incident*.
- (3) A *person* must not 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 firefighting purposes or any connections provided to a fire main, pipe, standpipe, sprinkler system, cistern or other body of water designated for firefighting purposes.

False Representation

15. A *person* must not falsely represent themselves as a *member* or wear or display any *Department* badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

PART IV

REPORTING OF HAZARDS

16. The owner or authorized agent of any property damaged by fire must immediately report to the *Fire Chief* particulars of the fire which are satisfactory to the *Fire Chief*.
17. (1) The owner or authorized agent of any property containing any type of *dangerous goods* which sustains accidental or unplanned release of the *dangerous goods* must immediately report to the *Fire Chief* particulars of the release which are satisfactory to the *Fire Chief*.
- (2) Any *person* releasing, causing or permitting the accidental or unplanned release of any type of *dangerous good* must immediately report to the *Fire Chief* particulars of the release which are satisfactory to the *Fire Chief*.

PART V
FIRE BANS

18. (1) Notwithstanding any provision in this or any other bylaw, the *Fire Chief* may declare a partial or complete ban of any outdoor burning of any kind in the *City*. When determining whether to declare a ban on burning, the *Fire Chief* may take into consideration any or all of the following factors:
- (a) the air quality index;
 - (b) levels of recent precipitation;
 - (c) water shortages or restrictions;
 - (d) availability of firefighters and *equipment*, and
 - (e) the overall fire danger.
- (2) When a fire ban has been declared, a *person* must not build, ignite or allow a fire contrary to any restriction set out in the declaration of the fire ban.
- (3) A *member* or an *officer* may direct a *person* to extinguish any fire when a fire ban is in place.
- (4) A *person* who fails to comply with the direction of a *member* or an *officer* to extinguish a fire during a fire ban commits an offence and the *member* or *officer*, as the case may be, may extinguish the fire.

PART VI
FEES

Fees for Inspections, Permits and Administration

19. Subject to section **20**, the fees payable for any material or service provided, permit or other document issued, by the *Department* pursuant to this Bylaw, the *Safety Codes Act* or the *Fire Code*, are set out in Schedule "A".

Fees for Other Services

20. The *Fire Chief* may set and charge fees for the following services provided by the *Department* based on the actual cost of providing the service, plus an administration fee:
- (a) provision of *members* or *apparatus* on standby;
 - (b) *emergency* response or other service provided outside of *City* limits;
 - (c) training services provided by the *Department*, not covered in Schedule "A";
 - (d) rental of *Department* facilities; searches and reports provided by the *Department*, not covered in Schedule "A";
 - (e) firefighting response services; and

- (f) any other service provided by the *Department*, not covered in Schedule "A".

Extraordinary and Unusual Costs

21. (1) Where the actual cost of providing a service exceeds the amount set by the *Fire Chief* pursuant to section **20** because providing the service took an unusually long time or required specialized *equipment, apparatus* or materials, or for any other reason outside of the *Department's* control, the *Fire Chief* may charge an additional fee.
- (2) The additional fee provided for in subsection (1) must reflect the actual cost of providing the service and an administration fee.
- (3) Where the *Department* performs any *emergency* or *non-emergency* service that requires *apparatus, materials* or labour that is not usually required to perform that service, the *Fire Chief* may charge a fee reflecting the additional costs to perform the service.
- (4) If *apparatus* is damaged, or contaminated by a *dangerous good*, in the course of the *Department* providing any *emergency* or *non-emergency* service, the *Fire Chief* may charge a fee reflecting the cost of the damage.
- (5) The fees provided for by this section may be charged to a *registered owner, a property owner, a business owner, property manager, the person* requesting the service, or the *person* who benefits from the service.

Payment of Fees

22. (1) Any *person* who is charged a fee pursuant to this Bylaw must pay the fee within the time specified and in the manner specified on the invoice setting out the fee.
- (2) Any fee that is not paid as specified on the invoice setting out the fee becomes a debt owing to the *City* by the *person* to whom the fee was charged.

PART VII

OFFENCES AND PENALTIES

Offences

23. Any *person* who contravenes any provision of this Bylaw by:
- (a) doing any act or thing which the *person* is prohibited from doing; or
- (b) failing to do any act or thing the *person* is required to do; is guilty of an offence
24. (1) Where an officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, the *officer* may commence proceedings against the *person* by issuing a violation ticket pursuant to Part 2 or Part 3 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, allowing for the voluntary payment in the amount of the specified penalty as provided in this Bylaw in respect of the offence.
- (2) This section does not prevent any *officer* from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial*

Offences Procedure Act, or from laying an information in lieu of issuing a violation ticket.

Penalties

25. (1) Every *person* who is convicted of an offence pursuant to this Bylaw is subject to one of the following penalties:
- (a) a fine amount of not more than \$10,000.00;
 - (b) imprisonment for not more than 1 year; or
 - (c) both (a) and (b).
- (2) The specified penalty in respect of a contravention of this Bylaw is the amount set out in Schedule "B" of this Bylaw.
- (3) The minimum penalty on conviction of an offence pursuant to this Bylaw is the fine amount set out in Schedule "B" in respect of the offence.
- (4) All violations of this Bylaw which are of a continuous nature shall constitute a separate offence for each day the offence continues.

Repeal

26. City Bylaws No. 994, 1065 and 1245 are repealed.
27. This Bylaw shall come into force at the beginning of the day it is passed.

READ A FIRST TIME in open Council on January 7, 2019.

READ A SECOND TIME in open Council on January 7, 2019.

READ A THIRD TIME in open Council on January 7, 2019.

SIGNED AND PASSED on January 8, 2019.

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 4500 consolidated pursuant to Section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by the City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS _____ DAY OF _____, 20_____.

ANGELA CRUICKSHANK
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT

SCHEDULE "A"**AS AMENDED BY BYLAW #4602
DECEMBER 3, 2019****FEES**

ITEM	Unit of Measure	Fee
Copy of Inspection report	Each	\$50.00
1st NON-compliance Re-inspection	Each	N/C
2nd NON-compliance Re-inspection	Each	\$125.00
3rd NON-compliance Re-inspection	Each	\$225.00
After hours Inspection	Per hour	\$120.00
Event Inspection	Each	\$85.00
Hot Work Permit	Each	\$50.00
Hot Work Permit (Annual)	Each	\$250.00
Copy of Investigation report	Each	\$125.00
Investigation Photographs	Each	\$85.00
Above/underground Storage Tank Plans Review	Each	\$150.00
Fire Inspection Services General	Per hour	\$85.00
Occupant Load Calculation (includes card)	Each	\$85.00
Occupant Load Replacement card	Each	\$50.00
Temporary Occupant Load Calculation (includes card)	Each	\$150.00
Property Search Request	Per hour	\$85.00
Fire Extinguisher Training	Per Person	\$25.00

SCHEDULE "B"

MINIMUM AND SPECIFIED PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Minimum Penalty</u>	<u>Specified Penalty</u>
11(2)	Enter area around an <i>incident</i>	\$250	\$500
12(2)	Fail to comply with an order to vacate	\$250	\$500
13	Impede, interfere or hinder a <i>member</i>	\$250	\$500
14(1)	Damage, destroy or alter <i>Department apparatus</i> or facility	\$250	\$500
14(2)	Drive vehicle over <i>equipment</i>	\$250	\$500
14(3)	Obstruct access	\$250	\$500
18(3)	Build or ignite fire contrary to fire ban	\$500	\$750
18(5)	Fail to comply with direction to extinguish a fire during a fire ban	\$2500	\$5000