

**CITY OF COLD LAKE
BYLAW 734-PL-22
FIRE SERVICES BYLAW**

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING A FIRE-RESCUE SERVICE.

PURSUANT to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 a municipality may pass bylaws respecting the safety, health, and welfare of people and the protection of people and property and bylaws respecting services provided by the municipality;

WHEREAS Council deems it in the public interest to establish and maintain a Fire-Rescue Service within the City of Cold Lake and;

NOW THEREFORE the Council of the City of Cold Lake in the Province of Alberta, in Council duly assembled, hereby enacts as follows:

SECTION 1 - TITLE

1. This Bylaw shall be cited as "734-PL-22, Fire Services Bylaw".

SECTION 2 - DEFINITIONS

In this Bylaw:

- 2.1 "Apparatus" means any fire rescue response vehicle, staffed and provided with equipment or materials for the purposes of firefighting, rescue operations, medical response and the clean-up of Hazardous Material, as well as vehicles used to transport Members, supplies, or contracted personnel required for such firefighting, rescue, medical response or clean-up;
- 2.2 "Basic Motor Vehicle Incident" means a motor vehicle incident that does not involve one or more of the following:
 - 2.2.1 a Hazardous Material spill, leak or other release that requires a response by the HazMat Response Team;
 - 2.2.2 a Hazardous Material spill, leak or other release for which a third party has provided labour, services, equipment or materials for the purpose of clean-up;
- 2.3 "CAO" means the Chief Administrative Officer of the City or delegate;
- 2.4 "City" means the City of Cold Lake;
- 2.5 "Emergency" means a present or imminent event that requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of person(s) or to limit damage to property.
- 2.6 "False alarm" means:
 - 2.6.1 an alarm from a fire safety monitoring device that is not caused by heat, smoke or fire; or
 - 2.6.2 a request for fire rescue services where no actual danger or possible danger to safety, health and welfare of people, property or the environment exists.
- 2.7 "Fire-Rescue Service" means Cold Lake Fire-Rescue established by this bylaw;
- 2.8 "Hazardous Material" means 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 shall include those products, substances and organisms that are covered by applicable Provincial and Federal legislation and guidelines;
- 2.9 "Incident" means any situation to which the City has responded due to the danger or a possible danger to the safety, health and welfare of people, property or the environment;
- 2.10 "Member" means any employee of the Fire-Rescue Service branch of the City;
- 2.11 "Owner" means:
 - 2.11.1 in the case of land the person registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or
 - 2.11.2 in the case of a personal property the person in lawful possession or who has the right to exercise control over it or to be the registered owner of it;
- 2.12 "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;

2.13 "Violation ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

SECTION 3 - ESTABLISHMENT

- 3.1 Council establishes regulations for the activities of persons in relation to fire rescue services provided by the City for the purpose of:
- 3.1.1 the safety, health and welfare of people and the protection of people, property and environment;
 - 3.1.2 the creation of offences; and
 - 3.1.3 set fees and charges for such fire rescue services.

SECTION 4 - JURISDICTION

- 4.1 The limits of the jurisdiction of the Fire-Rescue Service shall extend to the area and boundaries of the City and no part of Fire-Rescue Service shall be used beyond the limits of the City except where:
- 4.1.1 written contract or agreement providing for the supply of fire rescue services as authorized by the City.
 - 4.1.2 as authorized by the CAO.

SECTION 5 - POWERS OF THE CAO

- 5.1 Without restricting any other power, duty or function granted by this Bylaw or any other legislation the CAO may:
- 5.1.1 carry out inspections to determine compliance with this Bylaw;
 - 5.1.2 take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - 5.1.3 establish forms for the purposes of this Bylaw;
 - 5.1.4 issue permits with such terms and conditions as are deemed appropriate;
 - 5.1.5 establish the criteria to be met for a permit pursuant to this Bylaw;
 - 5.1.6 waive any fees or charges owing pursuant to this Bylaw; and
 - 5.1.7 delegate any powers, duties or functions under this Bylaw to an employee of the City.

SECTION 6 - EMERGENCY POWERS OF THE CAO

- 6.1 Without restricting any other power, duty or function granted by this Bylaw or any other legislation the CAO or designate may, in an emergency, take whatever actions or measures necessary to eliminate or mitigate the emergency including:
- 6.1.1 causing a building or structure to be demolished or removed;
 - 6.1.2 entering a property or building with any required persons and equipment;
 - 6.1.3 prohibiting the entry of unauthorized persons to any prescribed area or to within a certain distance of the location of any emergency;
 - 6.1.4 requesting members of police service to provide assistance in enforcing any of these powers;
 - 6.1.5 providing a verbal or written order requiring a person to provide services, equipment or materials to assist in eliminating or mitigating the emergency.

SECTION 7 - RECOVERY OF COSTS

- 7.1 Where Fire-Rescue Service has taken action whatsoever for the purpose of extinguishing a fire, responding to a fire call, false alarm or incident for the purpose of preserving life or property from injury or destruction by fire or other incident on land, Fire-Rescue Service may:
- 7.1.1 In respect of any cost incurred in taking such action, may charge any cost so incurred to the person who caused the fire, or to the owner or occupant of the land in respect of which the action was taken; or
 - 7.1.2 In respect of any action taken on railway rights of way, may charge any costs so incurred to the company or its agent; or
 - 7.1.3 In respect of any action taken to mitigate or control a hazardous materials or dangerous good incident, may charge any cost so incurred to the company or its agent.
- 7.2 Notwithstanding subsection 9.1 an owner or occupant of land shall not be charged for costs incurred due to a false alarm unless such owner or occupant is responsible for such false alarm.
- 7.3 The costs and fees to be charged by Fire-Rescue Service for services rendered pursuant to this Bylaw are as set out in Schedule "A".
- 7.4 In respect of any costs or fees levied or charged under this Bylaw:
- 7.4.1 The City may recover such costs or fees as a debt due and owing to the City; and
 - 7.4.2 In default of payment, where permitted by the Municipal Governance Act, add the amounts to the tax roll of a parcel of land.

SECTION 8 - ENFORCEMENT

- 8.1 Where a Property or Person does not comply with this Bylaw and/or Regulations, the City may pursue its enforcement alternatives in accordance with the Act, or common law right, including but

not limited to the issuance of an order to remedy contravention by the City, adding amounts to the tax roll, and pursuing injunctions pursuant to the Act.

- 8.2 A person who contravenes this bylaw is guilty of an offence.

SECTION 9 - OFFENCE

- 9.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount no less than that established by this Bylaw for each such day.
- 9.2 For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.
- 9.3 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 9.4 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
- 9.5 A person who is guilty of an offence is liable to a fine in an amount not less than that established in this Bylaw, and not exceeding \$10,000.00, and to imprisonment for not more than six (6) months for non-payment of a fine.
- 9.6 Without restricting the generality of subsection (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
- 9.6.1 \$500.00 for any offence for which a fine is not otherwise established in this Bylaw;
 - 9.6.2 \$1,500.00 for any offence under section 10;
 - 9.6.3 \$2,500.00 for any offence under subsections 11.1. and 11.2.
- 9.7 Where a Peace Officer reasonably believes 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 of the *Provincial Offences Procedure Act*, RSA 2000, c P-34, allowing for the voluntary payment in the amount of the specified penalty as provided in this Bylaw in respect of said offence. This provision does not prevent any Peace 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.

SECTION 10 - REMEDIAL ORDER

- 10.1 Should the CAO believe, on reasonable grounds, that a person is contravening any provision of this Bylaw, the CAO may, by written order, require any person responsible for the contravention to remedy it.
- 10.2 The order may:
- 10.2.1 direct a person to stop doing something, or to change the way in which the person is doing it;
 - 10.2.2 direct a person to take any action or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;
 - 10.2.3 state a time within which the person must comply with the directions;
 - 10.2.4 state that if the person does not comply with the directions within a specified time, the City will take the action or measure.
- 10.3 A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- 10.4 An order issued pursuant to this section may be served:
- 10.4.1 in the case of an individual:
 - 10.4.1.1 by delivering it personally to the individual;
 - 10.4.1.2 by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - 10.4.1.3 by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;
 - 10.4.2 in the case of a corporation:
 - 10.4.2.1 by delivering personally to any director or officer of the corporation;
 - 10.4.2.2 by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or

SECTION 11 - PROHIBITIONS

- 11.1 No person shall interfere with or in any manner hinder a person authorized by the City to investigate or extinguish fires while such authorized person is in the performance and execution of their duties.
- 11.2 No person shall obstruct or interfere with the operation or use of any fire hydrant, emergency use water inlet or outlet connection on a building, fire alarm control panel, manual alarm station or any fire detection device or equipment.
- 11.3 No person shall open, cause or permit to be opened a fire hydrant to obtain or discharge water unless authorized to do so by the City.
- 11.4 No person shall move a fire hose or cause or permit a vehicle to be driven over a fire hose or any equipment at the scene of fire unless authorized to do so by the officer in charge of the site.
- 11.5 A person who receives an oral or written order from a person authorized by the City to extinguish fires requiring the person to provide labour, services, equipment or materials to assist in extinguishing a fire shall comply with the order.
- 11.6 No person shall make, cause or permit to be made a false alarm of fire.
- 11.7 No person shall use or have in their possession or control any key for a vehicle used to respond to or extinguish fires, or for a fire alarm or elevator control key box unless authorized by the City.
- 11.8 No person shall use or have in their possession or control identification, insignia, equipment or a uniform used in relation to the fire rescue services provided by the City unless permitted by the CAO.
- 11.9 No person shall represent themselves as a firefighter or a person providing City fire rescue services unless permitted by the CAO.
- 11.10 The owner of any property on which a hazardous material is released shall report all particulars of the release forthwith to the City.
- 11.11 Any person releasing, causing or permitting the release of hazardous material shall report all particulars of the release forthwith to the City.
- 11.12 No person shall obstruct or otherwise interfere with access roads or streets or other approaches when responding to a fire, alarm, fire hydrant, cistern or body of water designated for fire fighting or any connection provided to a fire main, pipe, standpipe, sprinkler system, cistern or body of water designated for fire fighting designed for fire fighting.
- 11.13 No person shall damage or destroy the Apparatus or Equipment of the Fire-Rescue Service.

SECTION 12 - SEVERABILITY

- 12.1 Each provision of this Bylaw is independent of all other provisions. Should any provision of this Bylaw be found to have improperly enacted for any reason, then such section or part shall be regarded as being severable from the 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.

SECTION 13 - ENACTMENT/REPEAL

- 13.1 Schedule "A" shall form part of this Bylaw.
- 13.2 City of Cold Lake Bylaw 310-PL-07 (Fire Services Bylaw) is hereby repealed.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 22nd day of March, 2022, A.D., on motion by Councillor Mattice.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 12th day of April, 2022, A.D., on motion by Councillor Lefebvre.

**CARRIED
UNANIMOUSLY**

CC
JW

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 12th day of April, 2022, A.D., on motion by Councillor Richardson.

**CARRIED
UNANIMOUSLY**

Executed this 18th day of July 2022.

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER



Schedule "A" - Fire Service Fees

Response Fees (or a portion of) - may apply for the following types of responses:

- a) Vehicle fires or collisions;
- b) Grass fires or responses to fires in recreational fire pits that don't meet approved guidelines;
- c) False alarms or cancelled calls;
- d) Automatic alarms caused by alarm system malfunction, charge after 2nd alarm call;
- e) Standby for incidents and events;
- f) Any other response that may warrant a fee charge at the discretion of the City.

Response Apparatus	Fee Per Hour
Ladder/Aerial Unit	As per Alberta Transportation Table 1: Rates of Reimbursement for Fire Department Units
Pumper Unit	As per Alberta Transportation Table 1: Rates of Reimbursement for Fire Department Units
Tanker Unit	As per Alberta Transportation Table 1: Rates of Reimbursement for Fire Department Units
Rescue Unit	As per Alberta Transportation Table 1: Rates of Reimbursement for Fire Department Units
Bush Unit	As per Alberta Transportation Table 1: Rates of Reimbursement for Fire Department Units
Rapid Response Unit	As per Alberta Transportation Table 1: Rates of Reimbursement for Fire Department Units
Command Unit	As per Alberta Transportation Table 1: Rates of Reimbursement for Fire Department Units
Specialized Equipment	\$300.00
Response to False Alarm	Fee
1 st false alarm	No Charge
2 nd and subsequent occasions. (Occurring within 6-month period).	\$300.00 (charged to owner of the premise) If the owner has demonstrated their responsibility in investigating or initiating repair to the malfunctioning safety installation, fee may be waived.
Manpower	Fee Per Hour
One-man hour	\$35.00
Supplies	
Fire Department supplies at current replacement cost of supplies used.	

Other Fees	
Occupancy Load Certificate	Rate
Occupancy Load Certificate (per room) or Replacement Certificate Fee	\$125.00 per certificate \$50.00
Plans Review	Rate
Plans review including letter of compliance	\$200.00
Fire Inspection Fees	Rate
Assembly Occupancies	\$100.00
Institutional Occupancies	\$100.00
Private Dwelling	\$50.00
Residential Occupancy	\$100.00 per floor
Business & Personal Occupancy	\$100.00
Mercantile Occupancy	\$100.00
Industrial Occupancy	\$50.00 per hour, \$100 minimum
Fire Investigation Fees	Rate
Fire Investigation Services	\$100.00 per hour
File Search	Rate
Fire Inspections and Investigations (FOIP - Bylaw 594-AD-16 & 597-AD-17)	Administrative Fees as per Bylaw 597-AD-17-Schedule "A"
Fire Permits	Rate
Burning Permit	\$50.00
Fireworks/Pyrotechnics Permit	\$100.00
SCBA Bottle Fills	Rate
SCBA Bottle Fill	\$10.00 per bottle

End of Schedule "A".