

BY-LAW NO. 659-91

OF THE

TOWN OF OYEN

FIRE BY-LAW

Being a By-Law of the Town of Oyen hereafter referred to as the "Town of Oyen Fire By-Law", to provide for the establishment and operation of a Volunteer Fire Department.

WHEREAS, Section 158 of the Municipal Government Act, R.S.A. 1980, provides that the Council of a municipality may pass a By-Law for the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire; and,

WHEREAS, Section 159 of the Municipal Government Act, R.S.A. 1980, provides that the Council may pass By-Laws for any other matter or thing for the protection of life or property as may be considered proper.

NOW THEREFORE, the Council of the Town of Oyen, in the province of Alberta, duly assembled, does hereby authorize the establishment of a municipal Volunteer Fire Department and the carrying out of its operation in the following manner:

1. In this By-Law words or phrases shall be construed as specified hereunder:
  - a) "Apparatus" means any vehicle provided with machinery, devices equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.
  - b) "Council" means the Council of the Town of Oyen.
  - c) "Equipment" means any tools, contrivances, devices or material used by the Volunteer Fire Department to combat an incident or other emergency.
  - d) "Fire Chief" means the member appointed as head of the Volunteer Fire Department.
  - e) "Fire Protection" means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
  - f) "Incident" means a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property and to which the Volunteer Fire Department has responded.
  - g) "Member" means any person that has volunteered to be on the Oyen Fire Department.
2. The Fire Chief shall be appointed by the Council.
3. Other officers and members as the Fire Chief deems necessary may be appointed to the Fire Department with the approval of the Council.
4. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.

5. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department will extend to the area and boundaries of the Town of Oyen, and no part of the fire apparatus shall be used beyond the limits of the municipality without the express authorization of a written contract or agreement providing for the supply of firefighting services outside the municipal boundaries.
6. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Council to which he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities such as Council directs including but not limited to:
  - a) rescue,
  - b) emergency medical services,
  - c) other incidents,
  - d) pre-fire planning,
  - e) disaster planning,
  - f) preventive patrols.
7. The Fire Chief, shall establish the proper organization and administration of the Fire Department including:
  - a) use, care and protection of fire department property,
  - b) the conduct and discipline of officers and members of the Fire Department, and
  - c) efficient operations of the Fire Department.
8. The Fire Chief, or in his absence, the senior ranking member present shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident and, when a member is in charge, he shall continue to act until relieved by an officer authorized to do so.
9. The Fire Chief, or any other member in charge, at a fire is empowered to cause a building, structure, thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
10. Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Council and the Fire Chief shall report to the Council on the operations of the Fire Department or on any other matter in the manner designated by Council.

11. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the Fire Prevention Act and regulations thereunder.
12. The Fire Chief, or any other member in charge, at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control, or deal with the incident.
13. 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.
14. No person shall enter the boundaries or limits of an area prescribed in accordance with section 13 unless he has been authorized to enter by the Fire Chief or the member in charge.
15. The Fire Chief, or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 13.
16. The Fire Chief, or the member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident 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 person or property.
17. 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 By-Law.
18. No person at an incident shall impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the discretion of the Fire Chief or the member in charge.
19. No person shall damage or destroy Fire Department apparatus or equipment.
20. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
21. No person shall obstruct a member from carrying out duties imposed by this By-Law.
22. No person shall 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.

- 23. No person shall obstruct or otherwise interfere with access roads streets or other approaches to any fire alarm, fire hydrant, ciste or body of water designated for firefighting purposes or any connections provided to a fire main, pipe, standpipe, sprinkler sy cistern or other body of water designated for firefighting purpose
- 24. The Fire Chief or the member in charge of an incident may request persons who are not members to assist in extinguishing a fire, rem furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishin a building or structure at or near the fire or other incident.
- 25. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessa to deal with an incident.
- 26. Every person who violates any of the provisions of the By-Law, or who suffers or permits any act or thing to be done in contraventio or in violation of any of the provisions of this By-Law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-Law, or who does any act or th or omits any act or thing thus violating any of the provisions of this By-Law, and upon a summary conviction is liable to imprisonme for a term of not more than six (6) months or to a fine of not mor \$2,500.00, or to both fine and imprisonment.
- 27. The Fire Chief or a member of the Fire Department charged with the enforcement of this By-Law, acting in good faith and without malic for the municipality in the discharge of his duties, shall not her render himself liable personnally and he is hereby relieved from a personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act o omission in the discharge of his duties.
- 28. Any suit brought against the Fire Chief or a member of the Fire Department, because of an act or omission performed by him in the enforcement of any provision of this By-Law, shall be defended by the Town of Oyen until final determination of the proceedings.

Councillor Snell moved the first reading of By-Law No. 659-91 same this 7th day of May, 1991. CARRIED UNANIMOUSLY.

*Wayne F. Wilson*  
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 Mayor  
*Debbie Korten*  
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 Municipal Administrator

Councillor Tracy moved the second reading of By-Law No. 659-91 same thi: 21st day of May, 1991. CARRIED UNANIMOUSLY.

Councillor Snell moved the third reading of By-Law No. 659-91 and final: passed same this 21st day of May, 1991. CARRIED UNANIMOUSLY.

*Wayne F. Wilson*  
 .....  
 Mayor  
*Debbie Korten*  
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