

## BYLAW 66-2

### A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE DEPARTMENT

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**WHEREAS** the Municipal Government Act, RSA 2000, Chapter M-26 authorizes a council to pass bylaws for the safety, health and welfare of people and the protection of people and property, and for services provided by or on behalf of the municipality;

**AND WHEREAS** the Safety Codes Act, RSA 2000, Chapter S-1, authorizes an accredited municipality to pass bylaws respecting fees for services provided pursuant to the Act and for carrying out its powers and duties as an accredited municipality;

**NOW THEREFORE** the Council of the Town of Banff, in the Province of Alberta, duly assembled, enacts as follows:

#### CITATION

1. This bylaw may be cited as the “Fire Department Bylaw.”

#### INTERPRETATION

2. In this bylaw:
  - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
  - b) Any reference to a Town of Banff staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.
  - c) The definitions in Schedule “A” will apply to the corresponding words if the first letter of that word is capitalized in this bylaw.

#### AUTHORITY

3. The Town of Banff Fire Department is established.
4. The Fire Chief may appoint additional Members to the Fire Department. These Members shall be supervised by the Fire Chief and the Officers.
5. The Fire Chief may appoint Officers to act as Fire Chief on his behalf.
6. The Fire Chief has complete authority over the Fire Department, subject to the direction of the Town Manager, to whom he or she shall be responsible, and in particular may carry out all Fire Protection activities and such other activities as the Town Manager directs, including but not limited to:
  - a) Motor vehicle rescue
  - b) First responder medical services
  - c) Pre-fire planning
  - d) Emergency planning
  - e) Fire prevention and education as outlined in the Quality Management Act
  - f) Municipal emergency management

7. The Fire Chief may establish rules, regulation, procedures and committees necessary for 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; and
  - c) Efficient operations of the Fire Department.
8. The Fire Chief, or in his or her absence, the Member present who has been designated, shall have control, direction and management of any Fire Department Apparatus, Equipment of manpower assigned to an Incident and, where a Member is in charge, he shall continue to act until relieved by an Officer authorized to do so.
9. The Fire Chief, or the Member in charge, at an Incident is empowered to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an Incident, including:
  - a) Entering, passing through or over Property, buildings or Property adjacent or otherwise to an Incident and to cause Members of the Fire Department and the Apparatus and Equipment of the Fire Department to pass through or over the building or Property, and remain in or on the building or Property.
  - b) Causing a building, structure, thing, or any manner of plant life to be pulled down, demolished or otherwise removed.
10. The Fire Chief or 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.
11. The Fire Chief or Member in charge at an Incident may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section (12).
12. 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 bylaw.
13. The Fire Chief or Member in charge at an Incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger of being on fire, and in guarding and securing same, and in demolishing a building or structure at or near the Incident.
14. The Fire Chief or Member in charge at an Incident is empowered to commandeer privately owned equipment which he or she considers necessary to deal with an Incident
15. The jurisdiction of the Fire Chief, Officers and Members of the Fire Department will extend to the area within the boundaries of the Municipality and such further areas beyond the boundaries of the Municipality where provided by the express authorization of a written contract or agreement or the approval the Town Manager.

## **FIRE INSPECTIONS**

16. A Town of Banff Designated Safety Codes Officer may inspect Property to determine whether the Property complies with the Safety Codes Act, including whether the Property constitutes or conditions on the Property constitute a Fire Hazard. The inspections shall be carried out pursuant to the authority in the Municipal Government Act and the Safety Codes Act, and in accordance with the Town's Uniform Quality Management Plan.

17. The Owner of a Property requiring an inspection shall be responsible for payment of inspection fees as set in Schedule “B” of this bylaw.

### **FIRE PROTECTION SERVICES**

18. The Town may:
- a) Enter a written contract or agreement providing for the supply of Fire Protection services outside the municipal boundaries of the townsite, or
  - b) Upon request, supply Fire Protection services outside the municipal boundaries of the townsite.
19. In the event that Fire Protection services are provided outside the municipal boundaries of the townsite, the Town shall be entitled to recover a fee for the services provided:
- a) In accordance with the terms of any contract or agreement between the Town and the party for the Fire Protection services were provided, or
  - b) From the Owner, lessee or occupant of the Property to which the Fire Protection services were provided, in accordance with the fees set out in Schedule “B” of this bylaw.
20. Upon providing Fire Protection on Property within or outside the Municipality’s boundaries, the Municipality may in its sole and absolute discretion charge:
- a) The person causing or contributing to the Fire; or
  - b) The Owner or occupant of the Property;
- a Fire Protection fee, in accordance with Schedule “B” of this bylaw, and all individuals charged are jointly and severally responsible for the Fire Protection fee.
21. The Owner of a parcel of land to whom a Fire Protection fee has been charged in accordance with Section 20 is liable for the fees and the Municipality may add to the tax roll of a parcel of land all unpaid Fire Protection fees.
- Amended 2016.07.18 Bylaw 304
22. Collection of unpaid Fire Protection fees charged in accordance with Schedule “B” of this bylaw may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipal is entitled to on the Property in respect of which the indebtedness is incurred.

### **VIOLATIONS AND ENFORCEMENT**

23. No person shall:
- a) Impede, obstruct or hinder a Member, or other person assisting or acting under the direction of the Fire Chief of Member in charge at any Incident;
  - b) Damage or destroy Fire Department Apparatus or Equipment;
  - c) At an Incident, drive a vehicle over any Apparatus or Equipment without permission of the Fire Chief of the Member in charge;
  - d) At an Incident, enter the boundaries or limits of an area prescribed in accordance with section (12) unless he or she has been authorized to enter by the Fire Chief or the Member in charge;
  - e) Obstruct a Member from carrying out any function or activity related in any way to Fire Protection;
  - f) Falsely represent themselves as a Member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation; or
  - g) 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 fire-fighting purposes or any

connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern, or other body of water designated for fire-fighting purposes.

- 24. Any Person who contravenes the provisions of this bylaw is guilty of an offence and is liable, upon summary conviction before a court of competent jurisdiction, to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) or in the event of non-payment of the fine and costs as set out in Schedule “B” of this bylaw, imprisonment for a period not exceeding ninety (90) days unless such fine is sooner paid.
- 25. The Fire Chief or a Member of the Fire Department charged with the enforcement of this bylaw, acting in good faith for the Municipality and without malice, in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all 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 or omission in the discharge of his duties provided that he acted or omitted to act in good faith and without malice.
- 26. Any action brought against the Fire Chief or a Member of the Fire Department, because of an act or omission performed or not performed by him in good faith and without malice in the enforcement of any provision of this bylaws, shall be defended by the Town of Banff or their insurers until final determination of the proceedings.

**ENACTMENT/TRANSITION**

- 27. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 28. Schedules “A” and “B” form part of this bylaw.
- 29. Bylaws 66-1 and 50 are repealed upon this bylaw coming into force.
- 30. This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

Read a first time this 23<sup>rd</sup> day of April, 2007.

Read a second time this 23<sup>rd</sup> day of April, 2007.

Read a third time this 23<sup>rd</sup> day of April, 2007.

Approved on behalf of the Town of Banff:

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 John Stutz  
 Mayor

2007.04.25  
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 Date

\_\_\_\_\_  
 Robert Earl  
 Town Manager

2007.04.30  
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 Date

**SCHEDULE “A” – Definitions**

1. The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:
  - a) **Apparatus** means any vehicle provided with machinery, devices, Equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.
  - b) **Equipment** means any tools, contrivances, devices or materials used by the Fire Department to combat an Incident or other emergency.
  - c) **Fire Chief** means the Member appointed, by the Town Manager as head of the Fire Department, or, in his or her absence, the person appointed by the Fire Chief to act as Fire Chief.
  - d) **Fire Department** means the Department established by this bylaw and includes any person duly appointed to the Fire Department by the Town Manager or the Fire Chief.
  - e) **Fire Protection** means all aspects of emergent and non-emergent response, including but not limited to fire prevention, motor vehicle incidents, firefighting or suppression, 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.

Amended 2016.07.18 Bylaw 304
  - f) **Incident** means a fire, a situation where a fire or explosion is imminent, or any other response to any situation posing a possible danger to life or Property.

Amended 2016.07.18 Bylaw 304
  - g) **Member** means any person that has been hired to be a member of the Fire Department, and includes the Fire Chief.
  - h) **Municipality** means the Town of Banff.
  - i) **Officer** means a Member appointed as an Officer by the Fire Chief.
  - j) **Owner** means
    - i) In respect of unpatented land, the Crown,
    - ii) In respect of other land the Person who is registered under the Land Titles Act as the Owner of the fee simple estate in the land,
    - iii) A Person who is the lessee of Crown land and that Person’s successors and assigns, and
    - iv) In respect of any Property other than land, the actual Owner, occupant, operator or Person in lawful possession of the Property.
  - k) **Property** means any real or personal Property which, without limiting the generality of the foregoing, includes land and structures.
  - l) **Town Manager** means a person appointed as Chief Administrative Officer by Banff Town Council.

**SCHEDULE B – Fire Protection Fees (Bylaw 66-2)**

Amended 2011.01.28 – Bylaw 305  
 Amended 2015.05.25 – Bylaw 348  
 Amended 2016.07.18 – Bylaw 304  
 Amended 2017.01.01 – Bylaw 388  
 Amended 2018.01.01 – Bylaw 388-1  
 Amended 2020.12.07 – Bylaw 388-3  
 Amended 2021.12.06 – Bylaw 388-4  
 Amended 2022.12.12 – Bylaw 388-5

**Unit Response**

Command Vehicle	\$200/hour
Rescue Truck (includes up to five Members)	\$1000/hour
Pump Truck (includes up to six Members)	\$1000/hour
Aerial Truck (includes up to six Members)	\$1250/hour

**Manpower**

One man hour	\$69/person
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**Supplies**

Fire Department supplies at current replacement cost of supplies used plus 25%

**Inspections**

1 <sup>st</sup> and 2 <sup>nd</sup> annual fire inspection	No charge
3 <sup>rd</sup> annual fire inspection	\$120/ inspection
4 <sup>th</sup> annual fire inspection	\$500/ inspection
5 <sup>th</sup> and subsequent annual inspections	\$1000/inspection
Special Event Permits	\$130/ certificated
Occupant Load Certificate	\$70/ certificate