

BYLAW NO. 05/ 037

BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO, FOR THE PURPOSE OF DELIVERING EMERGENCY SERVICES.

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

AND WHEREAS the Council of the Regional Municipality of Wood Buffalo recognizes the municipality spans a vast and remote geographical area and the same level of fire and emergency response services cannot be provided to this vast region due to the restricted and varied access and the limited resources available and that in some areas of the municipality, emergency response is limited to response by air or cannot be made available at all;

NOW THEREFORE the Council of the Regional Municipality of Wood Buffalo of the Province of Alberta, duly assembled enacts as follows:

1. NAME OF BYLAW

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

2. DEFINITIONS

2.1 In this Bylaw:

- (a) “Ambulance” means an ambulance vehicle as defined in the Ambulance Services Act, A-39, RSA 2000.
- (b) “Apparatus” means any vehicle operated by or for the Municipality, whether that vehicle operates on land, in the air, or on water, which is provided with machinery, devices, equipment, or materials used for providing emergency services or used to transport members or supplies.
- (c) “Chief Administrative Officer” means the Regional Manager of the Regional Municipality of Wood Buffalo.
- (d) “Council” means the Council of the Regional Municipality of Wood Buffalo.
- (e) “Dangerous Goods” 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 includes those products, substances, and organisms covered by any Canadian or Alberta transportation of dangerous goods legislation.
- (f) “Emergency” means a situation in which there is a perceived or real imminent danger to public safety or of serious harm to property;

- (g) “Equipment” means any tools, equipment, apparatus, contrivances, devices, or materials used by the Municipality to mitigate an incident or other emergency.
- (h) “Emergency service” means any service delivered by the Municipality that is authorized by Council and designed to prevent, combat or alleviate the effect of a fire, medical or other emergency including, but not limited to, basic and advanced life support emergency medical services, air medivac, fire prevention, fire suppression, fire investigation, rescue services, public education and information, training or other staff development.
- (i) “Incident” means a fire or a situation where a fire or explosion is imminent, a medical emergency, a dangerous goods release or spill or any other situation whether real or perceived, presenting a danger or possible danger to life, health, property or the environment to which the Municipality has responded.
- (j) “Member” means any person that is an employee of the Municipality in a paid or volunteer capacity or those persons conscripted, contracted, or otherwise asked to assist by the Chief Administrative Officer at an incident or emergency.
- (k) “Municipality” means the Regional Municipality of Wood Buffalo.

3. JURISDICTION AND SERVICE LEVELS

- 3.1 Council recognizes that the limitations of staffing and physical resources combined with the vast geographical area of the Municipality will preclude the Municipality from providing an equal level of response to emergencies in all areas. The Chief Administrative Officer shall therefore, at certain time intervals as approved by Council;
 - (a) conduct a risk assessment respecting identified hazards in each geographical area of the Municipality; and,
 - (b) prepare a service level delivery and response plan, based on the allocation of resources available , which details the intended response to the risks identified; and,
 - (c) present this plan and cost implications to Council for approval from time to time.
- 3.2 The service level delivery plan shall determine how the Municipality will respond, if at all, to prevent, combat or alleviate the effects of emergencies or incidents.

4. POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

- 4.1 At an incident, the Chief Administrative Officer is hereby authorized:
 - (a) to cause a building, structure, or thing to be pulled down, demolished, or otherwise removed if deemed necessary to prevent the spread of fire or to forestall the occurrence of an emergency or to combat its progress;

- (b) to enter premises or property, without warrant, where an incident or emergency occurs and to cause any member, apparatus, or equipment to enter to combat, control or otherwise deal with the incident or emergency;
- (c) to enter, pass through or over buildings or property adjacent to an incident or emergency and to cause members and the apparatus and the equipment of the Municipality to enter, pass through, or over the building or property, where deemed necessary to gain access to the incident or emergency or to protect any person or property;
- (d) to establish boundaries or limits around the incident or emergency and keep persons from entering the area within the prescribed boundaries or limits;
- (e) to cause the evacuation of persons and the removal of livestock and personal property from any area, building, structure or thing within the Municipality that is or may be affected by an incident or emergency and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
- (f) to cause Peace Officers to enforce restrictions on persons entering or remaining within the boundaries or limits outlined in 4.1(d) or (e) above;
- (g) to authorize or require any person to render aid of a type the person is qualified to provide;
- (h) to authorize or require any member to provide immediate assistance in the mitigation of an incident or emergency;
- (j) to take whatever actions or measures are deemed necessary to eliminate an incident or emergency whether or not such action involves a breach of the provisions of this or any other Municipality bylaw or an enactment the Municipality is authorized to enforce.

5. REQUIREMENT TO REPORT

- 5.1 The owner, or their authorized agent, of a property damaged by fire shall immediately report the particulars of the fire to the Municipality in a manner and form satisfactory to the Chief Administrative Officer.
- 5.2 The owner or authorized agent of any property containing a dangerous goods product or products, which sustains an accidental or unplanned release shall immediately report such spill or release to the Municipality in a manner and form satisfactory to the Chief Administrative Officer.

6. PENALTIES AND VIOLATIONS

- 6.1 No person shall:

- (a) impede, obstruct, or hinder a member acting under the direction of the Chief Administrative Officer, at an incident or emergency;
- (b) damage or destroy tools, equipment, apparatus, contrivances, devices, or materials used by the Municipality;
- (c) enter or refuse to leave the boundaries or limits of an area prescribed in accordance with Section 4.1(d) or (e) unless that person is authorized by the Chief Administrative Officer;
- (d) drive a vehicle over any equipment without permission of the Chief Administrative Officer;
- (e) obstruct a member of the Municipality from carrying out duties imposed by this Bylaw;
- (f) falsely represent themselves as a member or wear or display any badge, cap, button, insignia, uniform or other paraphernalia for the purpose of such false representation;
- (g) obstruct or otherwise interfere with access roads or streets or other approaches or cause to be placed, any matter or thing, so as to obstruct or interfere with the operation or use of any fire alarm, fire alarm control panels, manual alarm stations, or any fire detection device or equipment, fire hydrant, cistern, or body of water, water inlet or outlet connections on buildings designated for fire fighting purposes or any connections provided to a fire main, pipe, standpipe, sprinkler system, or other body of water designated for the purpose of fire fighting;
- (h) fail to report a fire or dangerous goods release as required herein;
- (i) use a fire hydrant for the purpose of obtaining or discharging water without first receiving permission from the Chief Administrative Officer;
- (j) refuse to render aid of a type the person is qualified to provide when required to do so by section 4.1(g);
- (k) use, or have in his possession or under his control, any key for any Municipality vehicle or building, or key for any fire alarm or elevator control key box unless directly and specifically authorized so to do by the Chief Administrative Officer;
- (l) by use of a fire alarm, telephone, or any other method normally used make or cause to be made any false alarm unless authorized by the Chief Administrative Officer for practice purposes;
- (m) falsely state that he has the sanction of the Municipality in soliciting any person or company on any matter.

- 6.2 Any person who refuses to provide or furnish any information required under this bylaw, when requested by the Chief Administrative Officer, or who encourages such, is in breach of this bylaw.
- 6.3 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 of the 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 to be guilty of an infraction of this bylaw and subject to those sanctions set out in the General Penalty Bylaw.

7. AMBULANCE SERVICES

- 7.1 Council hereby prohibits any person other than the Municipality from providing a public ambulance service within the Municipality. Any person who contravenes this section is guilty of an offence and shall be subject to a penalty of \$2,500.00. Every day during which such contravention continues shall be deemed to be a separate offence.
- 7.2 Notwithstanding 7.1 above and subject to Council approval, the Chief Administrative Officer may enter into agreements with a regional health authority, or any other authority possessing the appropriate jurisdiction, for the provision of ambulance services including, but not limited to, emergency pre-hospital care and air or ground patient transfer.

8. FEES

- 8.1 The Chief Administrative Officer may implement fees and charges for any services provided pursuant to this bylaw.
- 8.2 The Municipality shall be able to recover all costs, fees and charges as a debt owing to the Municipality by the person who requests or causes the need for the services.
- 8.3 Whenever a person causes or is responsible for an incident or emergency due to:
- (a) malfunctioning fire safety installations or other safety monitoring devices; or
 - (b) a fire for which a person is convicted of arson under the Criminal Code of Canada; or
 - (c) an alarm of fire made or circulated willfully, in any manner, without reasonable cause for which a person is convicted under the Criminal Code of Canada; or
 - (d) an uncontrolled release of dangerous goods;

that person may be required to pay to the Municipality the maximum costs, fees and charges of the response and the Municipality can recover its costs, fees and charges as a debt owing to the Municipality.

- 8.4 In default of payment of any costs, fees, and charges assessed pursuant to this Bylaw, the Municipality may add the outstanding amount to the tax roll of a parcel of land where the parcel's owner caused the incident or emergency and the incident or emergency was located on all or a part of the parcel.

8.5 Nothing in this bylaw precludes the Chief Administrative Officer from charging costs, fees and charges that are of a greater amount than those set out in any bylaw or in any Council or administrative policy if such greater amount is based on the recovery of additional expenses incurred by the Municipality in the mitigation of an incident or emergency.

9. SEVERABILITY

9.1 Should any section or part of this bylaw be found to have been 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.

10. INTERPRETATION

10.1 During the course of an incident or emergency, where there is any conflict between the provisions of this bylaw and any other bylaw of the Regional Municipality of Wood Buffalo, excepting the Emergency Management Agency Bylaw, the provisions of this bylaw shall prevail.

11. REPEAL AND COMING INTO FORCE

11.1 Bylaws 1022, and 84/18, as amended and Ministerial Order No. FM21-94, as authorized by Order in Council 817/94, are hereby repealed.

11.2 This bylaw shall come into force when it has received third and final reading and been signed by the Mayor and Chief Legislative Officer

READ a first time this 11th day of October, A.D. 2005.

READ a second time this 25th day of October, A.D. 2005.

READ a third and final time this 25th day of October, A.D. 2005.

SIGNED and PASSED this 26th day of October, A.D. 2005.