

RM of EAGLE CREEK #376

BYLAW 2021-03

A Bylaw for the RM of Eagle Creek for Fire Protection Services

The Council of the RM of Eagle Creek #376 in the Province of Saskatchewan enacts as follows;

PART I

1.0 TITLE

- 1.1 This Bylaw may be cited as the Fire Protection Services Bylaw
- 1.2 This establishes the entity of the Eagle Creek Fire Department (ECFD) as an entity within the RM of Eagle Creek

2.0 PURPOSE

- 2.1 The purpose of this bylaw is;
- a) To provide for the prevention and suppression of fires
 - b) Preserve life and property and protect persons and property from injury or destruction by fire
 - c) Enforce the requirements of the Municipality under *the Wildfire Act*
 - d) Maintain and operate Apparatus and Equipment for extinguishing fires and preserving life and property
 - e) Provide rescue services for motor vehicle incidents not including water or ice rescue

3.0 DEFINITIONS

3.1 In this Bylaw

Administrator	Administrator of the Municipality or designate
Apparatus	Any vehicle provided with machinery or equipment for firefighting operated by or for Fire Protection Services.
Burn Barrel	Non-combustible structure or container for burning household refuse
Controlled Burn	A fire lit to burn organic material including but not limited to; trees, stubble. This does not include Burn Barrels, Recreational fire pits or Smudge fires
Council	Municipal council of the Rural Municipality of Eagle Creek #376
Department	Eagle Creek Fire Department
Equipment	Tools, devices, materials or supplies used by Fire Protection Services to respond to an incident
Fire Ban	An Order issued under <i>the Wildfire Act</i> or an order issued pursuant to this bylaw prohibiting the lighting of and requiring the extinguishment of all fires within the Municipality

Fire Protection Services	Any and all of the services listed in 2.1 and includes any other service delivered by the Eagle Creek Fire Department and Fire Protection Organizations as authorized by Council
Fire Protection Charges	All costs or charges incurred for fire protection services by the Eagle Creek Fire Department and other Fire Protection Organizations as per service agreements entered into by the Municipality
Fire Protection Organizations	Organizations that provide Fire Protection Services by agreement to the Municipality; Sonningdale Hutterite Colony, Town of Asquith Fire Department, RM of Perdue Fire Department, Town of Biggar Fire Department
Incident	A situation where a fire or explosion is imminent or occurring or any other emergent situation where there is danger or possible danger to life or property
Incident Command	The highest-ranking member of a Fire Protection Organization who first arrives at the scene of an incident
Municipality	RM of Eagle Creek #376
Outdoor Fire	Any fire started or caused by any person including but not limited to a Controlled Burn, Burn Barrel, Recreational or Smudge fire.
Prohibited Debris	Toxic materials including plastics, packaging material, used oil and any combustible hazardous waste as defined in <i>the Environmental Management and Protection Act, 2010</i> and any other amendments thereto
Recreational Fire	A fire confined within a non-combustible structure or container for the purpose of cooking, warmth or viewing and is fueled solely by dry wood, charcoal, natural gas or propane
Smudge Fire	A fire for the purpose of protecting livestock from insects or protecting garden plants from frost
Violation Ticket	Issued for an offence committed against any provisions of this Bylaw

PART II

4.0 EAGLE CREEK FIRE DEPARTMENT

4.1 The Eagle Creek Fire Department will operate as a volunteer department within the policies and guidelines established by the Municipality and within the Department Operating Procedures.

4.2 The Department is responsible on a volunteer basis for;

- a) Fire protection, including
 - i. Fire suppression
 - ii. Fire prevention
- b) Rescue service, including
 - i. Ground search and rescue - lost person recovery

4.3 The Municipality is responsible for;

- a) Providing and maintaining a building suitable as a Fire Hall to account for Emergency Vehicles(s), equipment and personal protective equipment.
- b) Providing and maintaining a suitably equipped emergency vehicle(s) for use as a Fire Truck.
- c) Approving an annual budget to effectively operate the department. This budget will be prepared by the Fire Protection Committee to present to council.
- d) Providing Personal Protective Equipment and proper training under Provincial Labor Codes as Employees of the Municipality.

5.0 DUTIES OF FIRE CHIEF

- 5.1 The Fire Chief;
- a) Is appointed Annually by Council.
 - b) Is the Operations Manager of the Department.
 - c) Administrates and Enforces this Bylaw within the Municipality.
 - d) Is responsible for the maintenance of discipline within the Department and may make rules, regulations and develop procedures necessary to carry out the daily administration and operations of the Department.
 - e) Presents Budget and Capital requests to Fire Protection Committee.

6.0 STAFFING

- 6.1 Management/Leadership positions in the Fire Department are selected internally by the group.
- 6.2 The Fire Chief has the authority to recommend an appointment and withdrawal of all Department Members to or from their positions; including termination providing all appointments or withdrawals of appointment or terminations are approved by the Fire Protection Committee.
- 6.3 Requirements
- a) Members shall be a minimum of 18 years of age.
 - b) All members can be a resident of the Municipality or surrounding area upon approval of the Fire Chief and Fire Protection Committee.

7.0 FIRE PROTECTION SERVICES COMMITTEE

- 7.1 The Fire Protection Services Committee will be chaired by an appointed member of Council and will conduct meetings in a Board format.
- 7.2 Fire Chief, Vice Chief(s) and Secretary will be Department members of the committee.
- 7.3 The Committee will;
- a) Conduct meetings on a quarterly basis or at the discretion of the committee with a prepared Agenda and minutes will be taken and submitted to Council.
 - b) Prepare the annual Budget for presentation to Council as well as requests for capital acquisitions, replacement or maintenance.
 - c) Review appointments, withdrawal of appointments or terminations.
 - d) Review incident reports for assessment of Department performance. This will aid in adjusting personnel, operating procedures and/or training requirements.
 - e) Prepare action reports for dissemination to applicable departments.
 - f) Prepare an annual inventory of equipment and supplies to present to Council annually or on request.
 - g) Prepare, review or amend Fire Protection Service Agreements between the R.M. and other entities to ensure needs are met and conditions of agreements are up to date and present such to council for final approval.
 - h) Develop and direct fundraising initiatives.
 - i) Address any other topic or issue directly related to the operation of the Department.
- 7.4 Meetings will take place at the RM Office in Arelee during regular office hours.

8.0 MEMBER MEETINGS and TRAINING DRILLS

- 8.1 Regular member Department meetings will take place in Sonningdale.
- 8.2 Meetings will have a prepared agenda and minutes will be taken and submitted to council. Regular meetings should include a review of new procedures, operational changes, review of after-action reports, a training scenario discussion and a review of equipment and procedures.
- 8.3 Training drills will be held at the discretion of the Fire Chief.

9.0 BANKING and FINANCIAL

- 9.1 All fundraising funds raised by the Department members for the Eagle Creek Fire Department will go into a bank account to the credit of the Sonningdale Volunteer Firefighter Association. The records of any bank accounts will be maintained by the Department with two members of the Department having signing authority.
- 9.2 The funds from Department accounts will be used for the purpose they were raised for or whatever related expenditures a majority of the members present at a regular meeting vote.

10.0 FEES FOR SERVICE

- 10.1 The Municipality will charge the applicable fees for Fire Services provided as per Schedule 'A'
- 10.2 Fees may be reviewed and set by Council on the advice of the Fire Chief.

11.0 AGREEMENT FOR EMERGENCY SERVICE

- 11.1 The Municipality may enter into any agreement with other jurisdictions or other properly constituted authorities, organizations or agencies for the furnishing or receiving of Fire Protection Services on agreed to terms.

12.0 REQUEST FOR EMERGENCY SERVICE

- 12.1 The Municipality may provide and charge for Fire Protection Services where no agreement exists if a request is made by other jurisdictions or other properly constituted authorities, organizations or agencies.
- 12.2 The charge for Fire Protection Service provided by the Department shall be determined according to Schedule 'A'.

PART III

13.0 AUTHORITY and RESPONSIBILITY of INCIDENT COMMAND

- 13.1 Incident Command at an Incident shall have control, direction and management of all apparatus, equipment and manpower assigned to the incident and shall continue to act as Incident Command until command is transferred to another person or the incident is secured as per Department Operating Procedures.
- 13.2 Incident Command shall take action as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to;
- a. Enter, pass through or over buildings, structures or property adjacent to or in proximity of an Incident without permission.
 - b. Establish boundaries or limits to keep persons from entering an area prescribed unless authorized.
 - c. Cause a building, structure or thing to be pulled down, demolished or removed
 - d. Request Municipal manpower and equipment if deemed necessary to deal with an incident
 - e. Request any adult person to assist in;
 - i. Extinguishing a fire or preventing its spread
 - ii. Removing objects from any building or structure on fire or in danger of fire and securing them
 - iii. Demolishing a building or structure at or near a fire or other incident.

14.0 CONTROLLED BURN

- 14.1 Any person that plans a Controlled Burn shall notify the Saskatchewan Public Safety Agency 1-866-404-4911 prior to setting the fire.

14.2 In the event of no notification of a Controlled Burn was made and Fire Protection Services were dispatched even though the burn is supervised and under control, the person supervising or the owner/occupant shall be responsible for Fire Protection Charges and applicable penalties as per Schedule "B".

15.0 PERMITTED and PROHIBITED FIRES

15.1 Any person that lights or causes to be lit any Outdoor Fire or permits any Outdoor Fire upon land owned or occupied by such person or under such person's control within the boundaries of the Municipality shall do so as provided by this bylaw.

15.2 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the Municipality. Materials shall be disposed of through proper means.

15.3 No person shall, at any time of the year, light or cause to be lit an Outdoor Fire or permit any Outdoor Fire on any property less than 1 acre in size unless the fire is a Recreational Fire.

15.4 Subject to 15.3, a Controlled Burn, Burning Barrel Fire, Recreational Fire or Smudge Fire is permitted provided that the fire is kept under control and supervised at all times by a responsible adult person until such time as the fire is completely extinguished.

15.5 This Bylaw does not apply to

- a. An Outdoor Fire lit by Fire Protection Services for training or preventative purposes.
- b. An Outdoor Fire prescribed by regulations under *the Wildfire Act*; or
- c. A fire contained to an incinerator regulated under *the Environmental Management and Protection Act, 2010*.

15.6 In the event there is a failure to control an Outdoor Fire and Fire Protection Services are dispatched to the fire area, the person or persons causing or contributing to the fire or the owners or occupants of the parcel of land shall be responsible for Fire Protection Charge and Section 17 of this Bylaw shall apply.

16.0 FIRE BAN

16.1 The Administrator may under the advisement of the Fire Chief implement a Fire Ban by contacting the 911 dispatcher when prevailing environmental conditions support an increased risk of a fire getting out of control.

16.2 A Fire Ban will remain in effect until either the date provided in the notice of the Fire Ban or until such time as the Administrator provides notice of cancellation of the Fire Ban under advisement of the Fire Chief.

16.3 Notice of a Fire Ban shall be provided to the public by the Municipality by any means the Administrator deems appropriate, including posting of the notice on the Municipality Website.

16.4 When a Fire Ban has been issued by the Municipality, and is in effect, no person shall;

- e) Ignite a fire contrary to the Fire Ban order, or
- f) Permit a fire to burn contrary to the Fire Ban order.
- g) Discharge Fireworks

16.5 It is the responsibility of any person to ensure there is no Fire Ban in effect prior to igniting any fire. It is not a defense in proceedings pursuant to this Bylaw that the accused did not know that a Fire Ban was in effect at the time a fire was ignited.

16.6 An owner or person in lawful possession of a property on which a fire is burning contrary to the provisions of this Bylaw may be ordered to extinguish the fire at the direction of an agent of the Municipality, or an officer authorized to enforce the provisions of this bylaw, or by a member of a Fire Protection Service. Failure to comply with that direction is an offence contrary to this Bylaw.

17.0 FIRE PROTECTION CHARGES

- 17.1 Upon Fire Protection Services being dispatched to a parcel of land within the boundaries of the Municipality, the Municipality shall, in its sole and absolute discretion, invoice Fire Protection Charges to the owner or occupant of the parcel(s) of land receiving Fire Protection Services. All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Municipality.
- 17.2 The Municipality shall be responsible for firefighting charges where a response occurs to a properly reported Controlled Burn under the provisions of this Bylaw. The response will be deemed a false alarm.
- 17.3 Fire Protection Charges shall be paid within 90 days of receipt or under an arrangement through the administrator with Council approval.
- 17.4 Collection of unpaid Fire Protection Charges may be undertaken by civil action in court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipality is entitled to on the parcel of land in respect of which the indebtedness is incurred.
- 17.5 The Municipality may add all unpaid Fire Protection Charges to the tax roll of the parcel of land in accordance with *the Municipalities Act*.

18.0 NOTICE

- 18.1 Any Notice required for in this Bylaw shall be in writing on RM letterhead.
- 18.2 Service of such notice to be made;
- a. Personally, upon the person to be served; or to any person receiving it on their behalf; or
 - b. By mailing a copy to the person to be served to the last known post office address of the person to be served;
 - c. Where the property is not occupied, by mailing the notice to the address noted on the Municipality tax roll for the property;
 - d. As directed by the courts.
- 18.3 Service is presumed to be affected under 18.2 in accordance with *the Municipalities Act*.
- 18.4 This section does not apply to the notice of a Fire Ban to be given by the Administrator as referenced in 16.3 of this Bylaw.

19.0 OFFENCES

- 19.1 No person shall contravene any provision of this Bylaw

20.0 VIOLATION TICKET

- 20.1 The Fire Chief or a Law Enforcement Official is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to this Bylaw to any person who, under reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 20.2 A person who contravenes any provision of this Bylaw, fails to comply with any order or request directed to that person pursuant to this Bylaw is guilty of an offence and is liable, upon summary conviction, to the specified penalty for the offence set out in Schedule "B", attached to and forming part of this Bylaw.
- 20.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
- a. Specify the amount established by this Bylaw for the offence; or
 - b. Require a person to appear in court without the alternative of making a voluntary payment.

-6-

21.0 VOLUNTARY PAYMENT

- 21.1 A violator of any subsections of this Bylaw may voluntarily pay the penalty at the RM Office during regular office hours within 14 days from the date of service. That person shall not be liable to prosecution upon payment.

22.0 EFFECTIVE DATE

22.1 THIS bylaw shall come into force and take effect this 11th day of JANUARY, 2022.

REEVE

(S E A L)

ADMINISTRATOR

Certified a true copy of bylaw
No. 2021-03 adopted by a resolution
of council on January 11, 2022

(S E A L)

ADMINISTRATOR

SCHEDULE 'A'

FIRE PROTECTION CHARGES

Dispatch/Response to Incident or Fire

Eagle Creek Fire Department		\$500/Hour	First Hour
		\$300/Hour	Subsequent
RM of Eagle Creek	Grader	\$125/hour	On Request
Sonningdale Colony	Water Tanker	\$250/Hour	

SCHEDULE 'B'

FEES

FALSE ALARMS Within Calendar year

First Offence	Written Warning By Fire Chief
Second Offence	First Hour Fire Protection Charge
Third & Subsequent	First Hour plus 25%

PENALTIES Within Calendar year

- a) Response to Fire during Fire Ban
 - i. First offence Fire Protection Charge Invoice plus \$250.00
 - ii. Second Offence Fire Protection Charge Invoice plus \$500.00
 - iii. Third and subsequent Fire Protection Charge Invoice plus \$2,500.00

- b) Failure to Comply with Orders or Direction from Fire Chief or Delegate
 - i. First offence \$250.00
 - ii. Second Offence \$500.00
 - iii. Third and subsequent \$2,500.00

- c) Burning of Prohibited Debris
 - i. First offence \$250.00
 - ii. Second Offence \$500.00
 - iii. Third and subsequent \$2,500.00

SCHEDULE 'C'

EAGLE CREEK FIRE DEPARTMENT

REMUNERATION

- a) 25% of the Fire Protection Charge Invoice to an Incident/Fire shall be allocated for the Department for future purchase/upgrade of Capital assets.

- b) R.M. Committee meeting rate of \$25.00 per hour plus \$0.60/km shall be paid to the Fire Protection Services Committee members.