

BY-LAW NO. 2011-632

**TOWN OF VIKING
IN THE PROVINCE OF ALBERTA**

**A BY-LAW OF THE TOWN OF VIKING IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF
AUTHORIZING THE BEAVER EMERGENCY SERVICES COMMISSION
TO PROVIDE FIRE PROTECTION AND EMERGENCY MANAGEMENT SERVICES
WITHIN THE LIMITS OF THE TOWN OF VIKING**

WHEREAS, under the provisions of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, with amendments thereto, the Municipal Council of the Town of Viking may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Forest and Prairie Protection Act*, R.S.A. 2000, Chapter F-19, with amendments thereto, provides for the Minister in the right of the Province of Alberta entering into fire control agreements for fighting and controlling fires occurring within the municipality's boundaries

AND WHEREAS the *Emergency Management Act*, R.S.A. 2000, Chapter E-6.8, with amendments thereto, requires the municipality to direct and control its emergency response;

AND WHEREAS under the provisions of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, municipalities may request the Lieutenant Governor in Council, establish a regional services commission to provide services otherwise being provided by municipalities, in this case fire protection and emergency management services;

AND WHEREAS, the Municipal Council of the Town of Viking deemed it expedient to provide fire and emergency management services in conjunction with neighboring municipalities through a regional services commission and with Beaver County, the Town of Tofield and the Villages of Ryley and Holden made application for the Lieutenant Governor in Council to form a Regional Services Commission for the purpose of providing fire and emergency management services in the member municipalities;

AND WHEREAS on April 29, 2010, the Beaver Emergency Services Commission was established by O.C. 137/2010;

AND WHEREAS the Town of Viking wishes to formally recognize that the Beaver Emergency Services Commission will be providing fire and emergency management services in the Town of Viking and wishes to give full force and effect to the O. C. 137/2010;

NOW THEREFORE BE IT RESOLVED, that the Municipal Council of the Town of Viking, in the Province of Alberta, duly assembled, enacts as follows:

DEFINITIONS

For the purposes of this bylaw, the following shall be referred to by the corresponding abbreviation:

- a) "Beaver Emergency Services Commission" – BESC;
- b) "Emergency Management Act" – EMA
- c) "Municipal Government Act" – MGA;
- d) "Town of Viking" – Town.

DELEGATION OF POWERS

The Town hereby delegates the provision of fire protection and emergency management services within its municipal limits to BESC. The Town further appoints BESC to act as its Emergency Management Agency. Without restricting the generality of the foregoing, the powers being delegated include:

- a) providing fire protection services;
- b) investigating the cause of fires in accordance with the *Alberta Fire Code* and the joint Quality Management Plan;

- c) providing a first responder level of response to Incidents involving Dangerous Goods;
- d) monitoring and amending the Joint Quality Management Plan as required;
- e) entering into mutual aid agreements with other municipalities, agencies or persons to provide assistance in controlling an Incident;
- f) purchasing and operating Apparatus and Equipment deemed necessary for the preservation of life and property;
- g) directing and controlling the municipality's emergency response;
- h) preparing and approving the emergency plans and programs;
- i) contracting and/or entering into agreements with other persons or organizations for the provision of services in the development or implementation of emergency plans or programs;
- j) administering the appointment to and supervision of an emergency advisory committee;
- k) fulfilling all duties and responsibilities of an emergency management agency;
- l) declaring and terminating any local states of emergency, including the publication of the details of the declaration, termination or cancellation;
- m) exercising all powers granted to a local authority under section 24 of the *Emergency Management Act*, including the power to borrow under subsection 24(2);
- n) making application to the Government of Alberta for compensation incurred in conducting emergency operations under Alta. Reg. 51/1994 as amended;
- o) recovering the costs and expenses of fighting a fire under the *Forest and Prairie Protection Act*;
- p) issuing orders concerning fire hazards and burning hazards, including taking all measures necessary to enforce those orders and recover any costs associated with their enforcement;
- q) issuing, cancelling and suspending fire permits, including attaching any conditions it deems advisable to any and all permits;

TRANSFER OF CHATTELS

The Town transfers the legal and beneficial ownership in all the apparatus and equipment which it owns that are specifically mentioned in O. C. 137/2010 to BESC.

TRANSFER OF REAL PROPERTY

The Town transfers the legal and beneficial ownership in the lands and buildings which it owns that are specifically mentioned in O. C. 137/2010 to BESC.

FIRE GUARDIANS

The Councilors and Chief Administrative Officer of the Town hereby delegate their duties and responsibilities as fire guardians to the following persons:

- a) person appointed as Chief Administrative Officer of BESC;
- b) persons acting as Directors of the Board of BESC;
- c) person appointed as Administrative Assistant of BESC;
- d) person appointed Tofield Fire Chief;
- e) person appointed Ryley Fire Chief;
- f) person appointed Holden Fire Chief;
- g) person appointed Viking Fire Chief;

EFFECTIVE DATE

BESC shall have the right to exercise the powers referred to herein, in accordance with section 3 of the O. C. 137/2010, from the date of its inception.

ASSIGNMENT OF MUTUAL AID AGREEMENTS

The Town hereby assigns all of its rights, responsibilities and duties under any current Mutual Aid Agreements with any other municipalities, Her Majesty the Queen in the right of the Province of Alberta and/or any other entities to BESC.

CESSATION OF FIRE HALL OPERATION AND FIRE RESOURCES AGREEMENTS

The Town hereby declares that, effective the inception date of BESC, all Fire Hall Operation and Fire Resource Agreements and all Fire Truck Agreements previously

entered into with the BESC member municipalities cease to be effective and are hereinafter null and void.

FIRE PERMITS AND FIRE PITS

No person shall light an outdoor fire or structure fire unless that person has:

- a) been issued a fire permit by BESC on such terms and conditions as BESC in its sole discretion considers appropriate;
- b) all fire pits shall be required, at all times, to comply with the standards, policies and/or regulations established by BESC, as amended from time to time.

FIRE BANS

BESC shall be solely responsible for declaring and repealing all fire bans affecting the Town.

REPEAL OF EXISTING BYLAWS

The following Bylaws of the Town are hereby repealed in their entirety:

- a) Bylaw No. 408;
- b) Bylaw No. ? (Emergency Management Agency)
- c) Bylaw No. ? (Disaster Services Framework)

This Bylaw shall take effect upon the final passing thereof.

READ A FIRST TIME this 24th day of May, 2011.

READ A SECOND TIME this 24th day of May, 2011

READ A THIRD AND FINAL TIME this 24th day of May, 2011

MAYOR

CHIEF ADMINISTRATIVE OFFICER