

**TOWN OF VIKING
BYLAW 2021-710
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 SERVICE 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 prevention of prairie or running fires, and places responsibility for fighting and controlling fires within a municipal district on the municipality;

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:

1. DEFINITIONS

1.1. **“Apparatus”** means any vehicle provided with machinery, devices, equipment or materials for emergency use, as well as any vehicles used for transporting firefighters or supplies;

1.2. **“Chief Administrative Officer”** means the chief administrative officer of the Town or their delegate;

1.3. **“Councillors”** means those members on Council for the Town;

1.4. “**Disaster Recovery Regulation**” means the Disaster Recovery Regulation, Alta Reg 51/1994, as amended from time to time;

1.5. “**BESC**” means the Beaver Emergency Services Commission;

1.6. “**EMA**” means the *Emergency Management Act*, RSA 2000, c E-6.8, as amended from time to time;

1.7. “**Emergency Management Agency**” means the agency that is responsible for the administration of the Commission’s emergency program;

1.8. “**Equipment**” means any tools, contrivances, devices, or materials used by the Fire Services Department that may be applied at an emergency incident;

1.9. “**False Alarm**” means an emergency call which is activated accidentally or maliciously that does not require any services from the Commission’s fire personnel;

1.10. “**Incident**” means a fire, a situation wherein a fire or explosion is imminent, or any other situation presenting a fire or possible danger to life, property, or the environment, and to which BESC has responded. For clarity, such situations can include transportation accidents, hazardous materials releases, or potential releases, medical assists, or any life threatening situation;

1.11. “**Joint Quality Management Plan**” means that quality management plan between BESC and the Alberta Safety Codes Council accrediting BESC to administer the provisions of the *Safety Codes Act*, RSA 2000, c S-1, as amended from time to time;

1.12. “**MGA**” means the *Municipal Government Act*, RSA 2000, c M-26, as amended from time to time;

1.13. “**Minister**” has the meaning ascribed to it in the FPPA; and

1.14. “**Town**” means the Town of Viking.

DELEGATION OF POWERS

2.1. 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 agent in the recovery of fees incurred as a result of BESC extinguishing a fire, responding to an Incident, or responding to a False Alarm. The Town further appoints BESC to act as its Emergency Management Agency. Without restricting the generality of the foregoing, the powers being delegated include:

BESC extinguishing a fire, responding to an Incident, or responding to a False Alarm. The Town further appoints BESC to act as its Emergency Management Agency. Without restricting the generality of the foregoing, the powers being delegated include:

2.1.1. providing fire protection services;

- 2.1.2. investigating the cause of fires in accordance with the Alberta Fire Code and the Joint Quality Management Plan;
- 2.1.3. providing a first responder level of response to Incidents involving dangerous goods;
- 2.1.4. monitoring and amending the Joint Quality Management Plan as required;
- 2.1.5. entering into mutual aid agreements with other municipalities, agencies or persons to provide assistance in controlling an Incident;
- 2.1.6. purchasing and operating Apparatus and Equipment deemed necessary for the preservation of life and property;
- 2.1.7. directing and controlling the municipality's emergency response;
- 2.1.8. preparing and approving the emergency plans and programs;
- 2.1.9. 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;
- 2.1.10. administering the appointment to and supervision of an emergency advisory committee;
- 2.1.11. fulfilling all duties and responsibilities of an emergency management agency;
- 2.1.12. declaring and terminating any local states of emergency, including the publication of the details of the declaration, termination or cancellation;
- 2.1.13. exercising all powers granted to a local authority under section 24 of the EMA, including the power to borrow under subsection 24(2);
- 2.1.14. making application to the Government of Alberta for compensation incurred in conducting emergency operations under the Disaster Recovery Regulation, as amended from time to time;
- 2.1.15. recovering the costs and expenses of fighting a fire within the jurisdiction of the Town;
- 2.1.16. 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; and
- 2.1.17. issuing, cancelling and suspending fire permits, including attaching any conditions it deems advisable to any and all permits.

3. TRANSFER OF CHATTELS

3.1. 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.

4. TRANSFER OF REAL PROPERTY

4.1. 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.

5. EFFECTIVE DATE

5.1. 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.

6. ASSIGNMENT OF MUTUAL AID AGREEMENTS

6.1. 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.

7. CESSATION OF FIRE HALL OPERATION AND FIRE RESOURCES AGREEMENTS

7.1. The Town hereby declares that effective as of 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.

8. FIRE PERMITS AND FIRE PITS

8.1. No person shall light an outdoor fire or structure fire unless the person has: been issued a fire permit by BESC on such terms and conditions as BESC in its sole discretion considers appropriate.

8.2. All fire pits shall be required, at all times, to comply with the standards, policies, and/or regulations as established by BESC, as amended from time to time.

9. FIRE BANS

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

10. RECOVERY OF EXPENSES

10.1. The owner of a property is liable to the Town for all expenses and costs related to the Town, through its agent, BESC, extinguishing fires on the property.

10.2. A person who causes a fire is liable to the Town for all expenses and costs related to the Town, through its agent, BESC extinguishing the fire.

10.3. The Town, through its agent, BESC, may seek recovery of expenses and costs in this Part either jointly or severally.

10.4. Any unpaid costs and expenses for extinguishing fires on a parcel of land may be added to the tax roll for that parcel in accordance with Subsection 553(1)(g) of the MGA.

11. REPEAL OF EXISTING BYLAW

11.1. The Bylaw No. 2011-632 of the Town is hereby repealed in its entirety:

This Bylaw shall take effect upon the final passing thereof.

READ A FIRST TIME this 16th Day of August, 2021

READ A SECOND TIME this _____.

READ A THIRD AND FINAL TIME this _____.