

BY-LAW NUMBER 37M84

Being a By-law of The City of Calgary
Providing for the Operation of a Fire
Department

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WHEREAS Section 158 of the Municipal Government Act, R.S.A. 1980, Chapter M-26, provides that the Council of a municipality may pass a by-law for the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

AND WHEREAS Section 159 of the Municipal Government Act, R.S.A. 1980, Chapter M-26, provides that the Council of a municipality may pass by-laws for any other matter or thing for the protection of life or property as may be considered proper;

AND WHEREAS the Council of The City of Calgary desires to continue to operate a fire department;

NOW THEREFORE the Council of The City of Calgary enacts as follows:

1. This By-law to operate a fire department may be cited as "The Calgary Fire Department By-law".

2. Definitions

- (a) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.
- (b) "Commissioner" means that member of the Board of Commissioners of The City of Calgary responsible for the Fire Department.
- (c) "Council" means the Council of The City of Calgary.
- (d) "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
- (e) "Fire Chief" means the member appointed as head of the Fire Department.
- (f) "Fire Protection" means all aspects of fire safety including but not limited to fire prevention, fire-fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
- (g) "Incident" means a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded.
- (h) "Member" means any person that is a duly appointed member of the Fire Department.
- (i) "Officer" means any person that is duly appointed to the rank of lieutenant or senior to such rank or anyone acting in such capacity.

3. The Fire Chief shall be appointed by the Council.
4. The Fire Chief may as he deems necessary appoint officers and members to the Fire Department with the approval of the Board of Commissioners.
5. The Board of Commissioners may appoint a Senior Officer of the Fire Department to act as Fire Chief in his absence.
6. (1) The limits of the jurisdiction of the Fire Chief and the officers and members of the Fire Department will extend to the area and boundaries of the City of Calgary, excepting that the Fire Chief is authorized to dispatch apparatus to incidents beyond the boundary limits of the City of Calgary where such response does not compromise fire protection services of the City of Calgary.

(2) Where a response is made to incidents beyond the boundary limits of the City of Calgary in accordance with Section 6, subsection (1) hereof and such incident or area is not covered by an existing fire protection contract with the City of Calgary, then the owner or occupant of the land, property or equipment shall be required to pay the City the fees as established from time to time by the Board of Commissioners.

(3) In addition, the above owner or occupant shall be liable for any and all costs and charges which may be incurred by the City as a result of, or pursuant to, such response beyond the boundary limits of the City of Calgary as authorized by the Fire Chief.
7. The Fire Chief shall have complete responsibility and authority over the Fire Department and shall be subject to the direction and control of Council to which he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities as Council directs through the Commissioner including, but not limited to, the following:
 - (a) rescue
 - (b) other incidents
 - (c) disaster planning
 - (d) preventive patrols
8. The Fire Chief shall establish rules, regulations, policies 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 of the Fire Department, and
 - (c) efficient operations of the Fire Department.
9. The Fire Chief or in his absence the senior officer present shall have control, direction and management of any Fire Department apparatus, equipment or 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.
10. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the Fire Prevention Act, R.S.A. 1982, Chapter-10.1 as amended from time to time and regulations thereunder or any statute which is passed in substitution therefor.

11. The officers and members of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by Council, and the Fire Chief shall report to Council through the Commissioner on the operations of the Fire Department or on any other matter in the manner prescribed by Council.

12. The Fire Chief, or any other member in charge, at an incident is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.

13. The Fire Chief, or any other member in charge, at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.

14. The Fire Chief, or the 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.

15. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 14 hereof unless he has been authorized to enter by the Fire Chief or the member in charge.

16. The Fire Chief, or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 14 hereof.

17. The Fire Chief, or the member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over the building or property, where he deems it necessary to gain access to the incident or to protect any persons or property.

18. 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 By-law.

19. No person at an incident shall impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the member in charge.

20. No person shall damage or destroy Fire Department apparatus or equipment.

21. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.

22. No person shall obstruct a member from carrying out duties imposed by this By-law.

23. No person shall falsely represent themselves as a Fire Department member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

24. No person shall 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.

25. The Fire Chief or the 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 thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.

26. The Fire Chief or the member in charge at an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.

27. Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or who does any act or thing or omits any act or thing thus violating any of the provisions of this By-law, shall be deemed to be guilty of an infraction of this By-law, and upon conviction is liable to a maximum fine of Two Thousand and Five Hundred Dollars (\$2,500.00) plus costs and in case of non-payment of the fine and costs to imprisonment for a period not exceeding six (6) months.

28. By-law Numbers 1522, 2912 and 3481 are hereby repealed.

29. This By-law shall come into force on the day it is given third reading.

READ A FIRST TIME THIS 18 DAY OF SEPTEMBER A.D. 1984.

READ A SECOND TIME THIS 18 DAY OF SEPTEMBER A.D. 1984.

READ A THIRD TIME
AND PASSED THIS 18 DAY OF SEPTEMBER A.D. 1984.


MAYOR


CITY CLERK

- C deleting Subsection 4(2)
- 20 Bylaw 67M86, the Addressing Bylaw, as amended, is hereby amended by
 - A deleting Subsection 2(b) and substituting the following therefor
 - "(b) "Addressing Officer" means the Chief Executive Officer or his designate", and
 - B deleting Subsection 2(c), and
 - C deleting the words "City Official" in Subsection 2(e) and substituting "designated officer" therefor, and
 - D Section 9 is deleted
- 21 By-Law Number 60M86, the By-law Enforcement Officers Appointment By-law, as amended, is further amended by deleting Sections 3 and 4 and substituting the following therefor
 - "3 The Chief Executive Officer or his designate may from time to time appoint a person as Chief By-law Enforcement Officer and one or more persons as By-law Enforcement Officers "
- 22 By-Law Number 26M85, the Mall Between Second Street S E and First Street S E on Eight Avenue By-Law, as amended, is further amended as follows
 - A Subsection 2(d) is deleted, and
 - B deleting "Commissioners" where it appears in Subsection 4(1), 4(2) and 7(4) and substituting "Chief Executive Officer or his designate" therefor, and
 - C Subsection 4(3) is deleted
- 23 By-Law Number 37M84, Providing for the Operation of the Fire Department, as amended, is hereby further amended by
 - A deleting Subsections 2(b) and 4, and
 - B deleting "Boad of Commissioners" from Section 5 and substituting "Fire Chief" therefor, and

- C deleting Section 11 and substituting the following therefor
 - "11 The officers and members of the Fire Department shall carry out the duties and responsibilities assigned to the Fire Department by Council"
- 24 By-Law Number 17M84, the Barclay Mall By-Law, as amended, is further amended by
 - A deleting "Board of Commissioners" where they appear in Subsections 4(1) and 4 2 and substituting "Chief Executive Officer of The City of Calgary or his designate" therefor, and
 - B deleting Subsection 4(2)
- 25 Bylaw Number 22M82, the Water Utility By-law, as amended, is further amended by
 - A deleting Subsection 2(a 1), and
 - B deleting "Board of Commissioners" wherever it appears in Section 19 and substituting "Chief Executive Officer of The City of Calgary or his designate" therefor
- 26 By-Law No 30M80, the Weeds, Grasses and Plants By-Law, as amended, is hereby further amended by
 - A deleting "Board of Commissioners" where it appears in Subsection 5(1) and substituting "Chief Executive Officer or his designate" therefor, and
 - B deleting the words "by the Director" from Subsection 5(1)
- 27 By-Law Number 25M80, The Parks/Recreation Board By-Law, as amended, is hereby further amended by deleting Subsection 2(1)(d)
- 28 By-Law Number 16M80, respecting a fire fighting agreement with Airdrie, is amended by repealing Section 2
- 29 By-Law No 12M80, to Designate Controlled Streets, as amended, is hereby further amended by
 - A deleting "Commissioners" where it appears in Subsections 6(1) and 6(2) and substituting "Traffic Engineer" therefor, and

- and 57(5) and substituting "approving authority" therefor; and
- P. deleting "the Commissioners or" from Subsection 57(4); and
- Q. deleting "of the Planning and Building Department" from Subsection 57(5)(b); and
- R. adding the following as Subsection 2(1.a):
 - "(1.a) "approving authority" means a person authorized by bylaw to decide development permit applications pursuant to Land Use Bylaw 2P80, as amended or substituted."; and
- S. deleting "Planning and Building Department" from Section 60 and substituting "approving authority" therefor; and
- T. deleting "in the Engineering and Environmental Services Department" from Subsection 67(2) and substituting "of Environmental Management" therefor.
- 27. Bylaw 52M87, the Stephen Avenue Mall Bylaw, as amended, is further amended by:
 - A. deleting "Commissioners" from Subsection 11(2) and substituting "Chief Executive Officer of The City of Calgary or his designate" therefor; and
 - B. deleting "in a form designated by the City Solicitor" from Subsection 20(1).
- 28. Bylaw 39M87, the Cemeteries Bylaw, as amended, is further amended by deleting "Director of the Parks and Recreation Department" from Section 3 and substituting "Chief Executive Officer or his designate" therefor.
- 29. Bylaw 67M86 the Addressing Bylaw, as amended, is further amended by deleting "in a form designated by the City Solicitor" from Subsection 10(1).
- 30. Bylaw 37M84, the Calgary Fire Department By-law, as amended, is further amended by:
 - A. deleting "the fire department" wherever it appears in the By-law and substituting "Fire Services" therefor; and
 - B. deleting "the Fire Department" wherever it appears in the By-law and substituting "Fire Services" therefor.
- 31. Bylaw 17M84, the Barclay Mall Bylaw, as amended, is further amended by: