

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

BYLAW NO. 1323-21

A Bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to impose fees and charges for services and activities provided by the Pincher Creek Emergency Services Commission of the Municipal District of Pincher Creek No. 9.

WHEREAS the *Municipal Government Act*, being Chapter M-26 Revised Statutes of Alberta 2000, and as amended from time to time, provides that a Council of a municipality may pass bylaws for services provided by or on behalf of the municipality,

AND WHEREAS the *Municipal Government Act* R.S.A. 2000 Chapter M-26, and as amended from time to time, provides that a municipality may, pursuant to a bylaw, collect the costs and expenses incurred by the municipality for fire suppression services;

AND WHEREAS the *Forest and Prairie Protection Act* R.S.A. 2000, c. F-19, and as amended from time to time, provides that the Municipal District of Pincher Creek No. 9 is responsible for fighting and controlling all fires within the boundaries of the MD, other than areas contained in a forest protection area;

AND WHEREAS the Council for the Municipal District of Pincher Creek has established the Pincher Creek Emergency Services Commission with the Town of Pincher Creek;

NOW THEREFORE the Council of the Municipal District of Pincher Creek No. 9, duly assembled ENACTS AS FOLLOWS:

1.0 This Bylaw may be cited as "Fire Response Bylaw No. 1323-21".

2.0 **Definitions**

In this bylaw:

“Council” means the Municipal District of Pincher Creek No. 9 Council.

“Equipment” means any tools, contrivances, devices and materials used by the Pincher Creek Emergency Services Commission, to combat an incident or other emergency.

“Fire” means the burning of any flammable or combustible material or any combustible material in a state of combustion.

“Fire Protection Charges” means those fees and charges, as established by the PCESC from time to time, for Fire Protection Services as outlined in PCESC Bylaw 6.

“Incident” means a fire or a situation where a fire or an explosion is imminent or any other situation where there is a fire, a danger or a possible danger to life or property.

“MD” means the Municipal District of Pincher Creek No. 9 and the area within its boundaries.

“Pincher Creek Emergency Services Commission“ (PCESC) means the Pincher Creek Emergency Services Commission, established by the Membership Agreement on August 27, 2013, between the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9, for the purpose of providing fire and emergency services in the MD and the Town of Pincher Creek.

“Property” means any real or personal property, including land, equipment, products, vehicles and structures.

“Town” means the Town of Pincher Creek.

3.0 **Fire Response Charges**

- a. The PCESC will advise the appropriate municipality to charge Fire Response Charges in accordance with fees outlined in PCESC Bylaw 6, as amended from time to time by the PCESC.
- b. Where the PCESC has taken any action whatsoever for the purpose of extinguishing a fire or responding to an incident within or outside of the MD, the MD shall, in respect of the costs incurred by the MD in taking such action, including the cost of securing a building, structure or thing, or securing privately owned equipment necessary to bring the fire or incident under control, and charge those costs to:
 - (1) The person causing or contributing to the fire; or
 - (2) The owner or occupant of the property which is the subject for the requirement of fire protection services.

All individuals charged are jointly and severally responsible for payment of the fire protection charges to the MD.

- c. The PCESC shall forward all information to the MD necessary to bill the appropriate person or persons within thirty (30) of the incident.
- d. A fire protection charge shall be paid within thirty (30) days of being levied.
- e. The owner of a parcel to which fire protection is provided is liable for fire protection charges incurred.
- f. Collection of unpaid fire protection charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the MD is entitled to place on the property in respect of which the indebtedness is incurred.
- g. Where the fire protection charges are not paid upon demand by the MD, fire protection charges relating to the extinguishing of fire on the land and interest charges accrued may be added to the tax roll of the land.
- h. All owners of the real property to whose tax roll the fees for service or charges or any or all of them were added pursuant to Section 3.0 h. shall be liable jointly and severally for paying such fee and charges, and such fee and charges shall be collected in a like manner as municipal taxes.
- i. If the landowner wishes to request an adjustment to the balance of their fire response invoice, the landowner must provide proof of denied coverage or justification for their request.

4.0 **General**

- a. Should any section or part of this bylaw be found to be improperly enacted, or outside the MD's jurisdiction, for any reason, then such section or part will be regarded as being severed and the remaining sections will remain effective and enforceable.


Bylaw 1323-21
Fire Response Bylaw

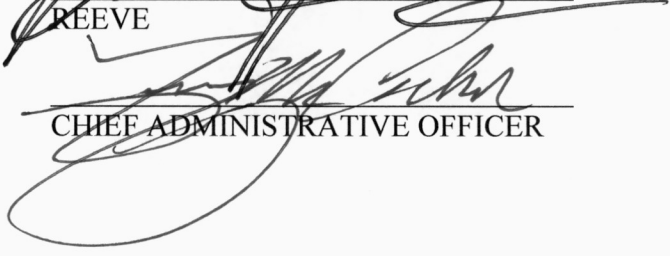
5.0 This bylaw shall come into force and effect upon passing thereof.

READ a first time this 27 day of April, 2021

READ a second time this 25 day of May, 2021

READ a third time and finally passed this 25 day of May, 2021


REEVE


CHIEF ADMINISTRATIVE OFFICER