
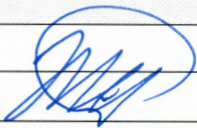
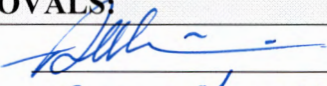


AGENDA
COUNCIL COMMITTEE MEETING
MUNICIPAL DISTRICT OF PINCHER CREEK
January 12, 2021
via GoToMeeting
9:00 am

1. Approval of Agenda
2. Fire Response Bylaw (draft 1323-21)
3. Closed Session:
 - a) Municipal Operating Support Transfer (MOST) Community Organizations – FOIP Section 17
 - b) CAO 2020 Performance Review - FOIP Section 19
4. Adjournment

Recommendation to Council

TITLE: Fire Response Bylaw			
PREPARED BY: Meghan Dobie		DATE: January 5, 2021	
DEPARTMENT: Finance			
			ATTACHMENTS:
Department Supervisor	Date	<ol style="list-style-type: none"> 1. Proposed - Bylaw 1323-21 2. Current - Bylaw 1201-10 3. Marked up changes 4. PCESC Bylaw 6 	
APPROVALS:			
	<u>JAN 6, 2021</u>	 ROLAND MILLIGAN	<u>2021/01/06</u>
Department Director	Date	FOR CAO	Date

RECOMMENDATION:

That Council rescind Fire Services Bylaw No. 1201-10 and replace with Fire Response Bylaw 1323-21.

BACKGROUND:

- A fire services bylaw was established between the MD and PCESC because the MD has the ability to transfer outstanding balances onto a landowner's tax roll.
- The MD acts as the "middle man" and bills landowners for fire response on behalf of the PCESC.
- The MD requires an updated Fire Services Bylaw to accurately reflect fee changes as outlined in PCESC Bylaw 6.

FINANCIAL IMPLICATIONS:
N/A

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 _____ day of _____, 2021

READ a second time this _____ day of _____, 2021

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

REEVE

CHIEF ADMINISTRATIVE OFFICER

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

BYLAW NO. 1201-10

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 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 entered into an Emergency Services Agreement 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 Services Bylaw No. 1201-10".

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, 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 Council from time to time, for Fire Protection Services as set out in Schedule “A” attached to this bylaw.

“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” (PCES) means the Pincher Creek Emergency Services established by the Emergency Services Agreement 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 Protection Charges**

- a. The PCES may advise the appropriate municipality to charge Fire Protection Charges in accordance with Schedule "A", as amended from time to time by Council.
- b. Where the PCES 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 PCES shall forward all information to the MD necessary to bill the appropriate person or persons.
- 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.

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.
- b. This bylaw will function in conjunction with the Quality Management Plan, Standard Operating Procedures, and the MD's Occupational Health and Safety program.

Bylaw 1201-10
Fire Services Bylaw

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

READ a first time this _____ day of _____, 2010

READ a second time this _____ day of _____, 2010

READ a third time and finally passed this _____ day of _____, 2010

REEVE

CHIEF ADMINISTRATIVE OFFICER

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9

BYLAW NO. ~~4201-10~~ 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 ~~entered into an Emergency Services Agreement~~ 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 ~~Services~~ Response Bylaw No. ~~4201-10~~ 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 Council from time to time, for Fire Protection Services as set out in Schedule "A" attached to this bylaw.~~ 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 Emergency Services 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 Protection Response Charges**

- a. ~~The PCES may advise the appropriate municipality to charge Fire Protection Charges in accordance with Schedule “A”, as amended from time to time by Council.~~ 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 1201-10 1323-21
Fire Services Response Bylaw

b. ~~This bylaw will function in conjunction with the Quality Management Plan, Standard Operating Procedures, and the MD's Occupational Health and Safety program.~~

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

READ a first time this _____ day of _____, 201021

READ a second time this _____ day of _____, 201021

READ a third time and finally passed this _____ day of _____, 201021

REEVE

CHIEF ADMINISTRATIVE OFFICER



**Pincher Creek Emergency Services Commission
Fees Schedule of the Commission**

1st NOV 28 2019
2nd NOV 28 2019
3rd NOV 28 2019

Attachment 4 - PCESC Bylaw 6

BYLAW NO. 6 – 2020

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SCHEDULE "A"4



Pincher Creek Emergency Services Commission Fees Schedule of the Commission

BYLAW NO. 6 – 2020

A BYLAW OF THE PINCHER CREEK EMERGENCY SERVICES COMMISSION, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING THE FEES SCHEDULE OF THE COMMISSION

WHEREAS pursuant to the provisions of the Municipal Government Act, Pincher Creek Emergency Services Commission is required to establish a schedule of fees;

NOW THEREFORE the Board enacts the following:

ARTICLE 1 – TITLE

1.01 This bylaw shall be sited as the Pincher Creek Emergency Services Commission Fees Schedule Bylaw.

ARTICLE 2 – INTERPRETATION

2.01 Definitions and Interpretations

In this Bylaw, unless the context otherwise requires, words importing the singular number or the masculine gender shall include the plural number or the feminine gender, as the case may be, and vice versa, and the following words shall have the following meanings unless the context otherwise requires:

- a) "**Act**" means the *Municipal Government Act*, R.S.A. 2000, c. M-26 and all regulations thereto, as replaced or amended from time to time;
- b) "**Board**" means Board of Directors of the Commission established pursuant to Bylaw 1;
- c) "**Chair**" means the chairperson of the Board;
- d) "**Chief of Emergency Services**" means the person appointed by the Board as Chief of Emergency Services;
- e) "**Commission**" means the Pincher Creek Emergency Services Commission;
- f) "**Director**" means the director(s) of the Commission appointed to the Board in accordance with Bylaw 1;
- g) "**Emergency Services**" means the provision of emergency services within the



Pincher Creek Emergency Services Commission Fees Schedule of the Commission

boundaries of each Member, including without restriction, fire suppression, fire permitting, fire prevention, rescue, and emergency medical response services;

- h) **"Members"** means both the Town of Pincher Creek, the Municipal District of Pincher Creek No. 9 and any other parties that may become members from time to time and "Member" means any one of them;
- i) **"Minister"** means the Minister of Municipal Affairs;

All other words in this Bylaw are as defined or used in the Act or the Regulation.

ARTICLE 3– ENACTMENT

NOW THEREFORE the Board of the Pincher Creek Emergency Services Commission rescinds Bylaw 6- 2018 and enacts and adopts the Schedule of Fees, attached to and forming Schedule "A" of this Bylaw.

ARTICLE 4 – SEVERANCE

4.01 Severance of Bylaw Clauses

Should any article, section or part of this Bylaw be found to be improperly enacted or *ultra vires*, for any reason, then such article, section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

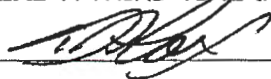
ARTICLE 5 – COMING INTO FORCE

This Bylaw shall become effective January 1, 2020 when it has received third and final reading and has been signed by the Chief of Emergency Services and Chair.


READ A FIRST TIME this 28 day of November, 2019.

READ A SECOND TIME this 28 day of November, 2019.

READ A THIRD TIME this 28 day of November, 2019.



CHIEF OF EMERGENCY SERVICES, David Cox



CHAIR, Scott Korbett



Pincher Creek Emergency Services Commission Fees Schedule of the Commission

SCHEDULE "A"

Notation: GST will be charged where applicable

1. Fees for Emergency Services responding to any emergency call **other** than a Motor Vehicle Accident or other event on a Provincial Highway or a Provincial Highway Right of Way
 - a. A rate of \$400.00 per hour for an engine, tender, or rescue not including manpower excepting Engine 71.
 - b. A rate of \$100.00 per hour for Engine 71 not including manpower.
 - c. A rate of \$200.00 per hour for a command unit including manpower.
 - d. A rate of \$400.00 per day for the structure protection unit that is deployed but not utilized, not including manpower.
 - e. A rate of \$700.00 per day for the structure protection unit that has part or all of its equipment deployed, not including manpower.
 - f. A rate of \$300.00 per day or \$0.60 per Kilometer if the mileage traveled in a day is greater than 500 kilometers, which ever is greater, for a tow vehicle for the structure protection unit if not towed by a type of unit identified in 1. a.
 - g. A Manpower rate of \$50.00 per hour per person other than a supervisor in a command unit.
 - h. The unit rate including the manpower assigned to that unit will be billed to the event if it arrived at the event and fulfilled a role in mitigating the event.
 - i. Billing time will commence with time the unit was attached to the event shown on the dispatch sheet and cease when the unit has returned to service shown on the incident report.
 - j. Hours of billing will include all full hours and any portion of an hour as determined by 1. i.
 - k. Cause and/or origin of a fire incident will determine the jurisdiction, business, or individual to be invoiced referencing Bylaw 3- 2016- Funding Bylaw or revisions thereto.



Pincher Creek Emergency Services Commission Fees Schedule of the Commission

2. Fees for Emergency Services responding to any Emergency call including a Motor Vehicle Accident or other event on a Provincial Highway or a Provincial Highway Right of Way
 - a. Fees will match those set by the current rates established by Alberta Transportation.
 - b. A unit will be billed to the event if it arrived at the event and fulfilled a role in mitigating the event.
 - c. Billing time will commence with time the unit was attached to the event shown on the dispatch sheet and cease when the unit has returned to service shown on the incident report.
 - d. Hours of billing will include all full hours and any portion of an hour as determined by 2.c.
 - e. Alberta Transportation is to be invoiced referencing Bylaw 3- 2016- Funding Bylaw or revisions thereto.
3. Fees for Emergency Services responding to a call for Mutual Aid
 - a. Fees for units responding for mutual aid will be invoiced as per the fees defined in the pertinent Mutual Aid Agreement or,
 - b. using the rates shown in part 1. of this schedule if the pertinent Mutual Aid Agreement does not have fees defined,
4. Fees for Emergency Services responding to Ambulance Calls
 - a. Fees for Ambulance will be invoiced as per the fees defined in the Contract with Alberta Health Services.
5. Fees for Emergency Services responding to Extra Ordinary Events
 - a. In cases where an emergency response is requested and fees schedule do not exist in this Bylaw, a Mutual Aid Agreement, or an existing contract, a fees schedule may be established by short term contract.
 - b. In cases where an emergency response is requested under a state of local emergency and the fees schedule does not identify a rate for the resources provided, provincial rates will apply.