

Municipality of the District of Lunenburg

Council Policy

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| Title: Fire Scene Security | |
| Policy No. 094 | Legislative Authority: MGA 296, Fire Safety Act 30(3), 31, 33 |
| Effective Date: April 26, 2022 | Amended Date: |

Purpose

1 To provide a fire chief or, their designate the authority to utilize the municipality's procurement process and hire scene security through the municipal standing offer list and recover associated costs.

Definitions

2 In this Policy,

- (1) **"Fire Department"** means an organization that is registered with the municipality to provide fire-suppression and emergency services pursuant to section 294 of the Municipal Government Act (MGA)
- (2) **"Municipality"** means the Municipality of the District of Lunenburg (MODL)
- (3) **"Local Assistant"** means a person who is a local assistant pursuant to the Fire Safety Act and further that is typically the Fire Chief or designate of a fire department.
- (4) **"Fire chief"** means the senior official within, and in charge of the fire department.

Scene Security

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- (1) Where the Local Assistant deems it necessary for the purpose of an investigation, the Local Assistant may, by oral or written order,
 - (a) close the land or premises,
 - (b) prohibit any entry, or lingering, and
 - (c) post a security watch.
 - (2) Orders for scene security will be posted at the fire scene to preserve chain of custody of evidence until a fire investigation can be undertaken.

(3) A representative from the Fire Marshall's Office should be on scene prior to a fire department departure, however there may be incidents where a representative is unable to attend up to (24) twenty-four hours, whereby scene security is required.

(4) The security firm(s) providing this service will be procured on the municipal standing offer list.

(5) Their duties will be spelled out in the contract for scene security.

Recovery of Cost

4 (1) The Local Assistant may direct the owner of a property to pay any costs of associated with carrying out the order, work or action, taken in section 3 and the order to pay costs will include:

- (a) a description of activity for which the costs were incurred and a statement of authority for conducting the activity,
- (b) a detailed account of the costs incurred, and
- (c) a direction that the owner pays costs to the municipality.


Costs, Liens and Enforcement

5 (1) Where an order to pay costs referred to in section 4 remains unpaid after all rights of appeal under the Fire Safety Act are exhausted, the Local Assistant can file with the clerk of the municipality the expenses incurred to carry out the order, but not exceeding the limits of one thousand dollars as per section 30 of the Fire Safety Act, and the clerk will pay, from the ordinary revenues of the municipality, the amount certified by the Local Assistant.

- (a) The amount of the costs is subject to interest, calculated at the rate applicable to overdue municipal rates and taxes, from the date of the original order for payment of costs; and
- (b) with any interest subsequently, constitutes a lien on the property that is the subject of the order.

(2) The amount of the costs and any interest is, for the purpose of collection and recovery, a first lien on the property collectable by the municipality as municipal taxes pursuant to the Municipal Government Act.

Annotation for Official Policy Book

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| Date of Notice to Council | April 11, 2022 |
| Date of Passage of Current Policy | April 26, 2022 |
| I certify that this policy MODL-094 was adopted by Municipal Council as indicated above. | |
|  <hr/> Municipal Clerk | <u>April 26, 2022</u> Date |

