

TOWN OF THREE HILLS

BYLAW NO. 1449-20

FIRE BYLAW

A BYLAW OF THE TOWN OF THREE HILLS, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES.

WHEREAS the *Municipal Government Act* RSA 2000, C. M-26, as amended, provides that a Council of a municipality may pass bylaws for municipal purposes respecting the following matters:

- i. The safety, health and welfare of people, and the protection of people and property;
- ii. Services provided by or on behalf of a municipality;
- iii. The enforcement of bylaws; and

WHEREAS the *Municipal Government Act* further provides that a municipality may impose a system of licenses, permits or approvals and may collect, pursuant to a bylaw, costs and expenses incurring by the municipality for extinguishing fires; and

WHEREAS the Council of the Town of Three Hills wishes to establish fire services within the Town and provide for the efficient operation of such a service; and

WHEREAS the Council of the Town of Three Hills wishes to provide for the prevention, regulation and control of the lighting of fires within the Town;

NOW THEREFORE the Council of the Town of Three Hills, duly assembled, enacts as follows:

PART I: TITLE, DEFINITIONS AND INTERPRETATIONS

1. SHORT TITLE

- 1.1. This Bylaw may be cited as the "Fire Bylaw".

2. DEFINITIONS

2.1. In this Bylaw, unless the context otherwise requires:

2.1.1. "Acceptable Fire Pit" shall mean an outdoor receptacle that meets the following specifications:

- i. a minimum of three (3) metres clearance is maintained from any building, property line, or other combustible material when measured from the nearest fire pit edge;
- ii. the fire pit height does not exceed six hundred (600) millimetres when measured from the surrounding grade to the top of the pit opening;

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- iii. the pit opening does not exceed one (1) metre in width or in diameter when measured between the widest points or outer edges;
 - iv. the fire pit has enclosed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Fire Chief;
 - v. and a spark arrestor mesh screen with openings no larger than twelve and one-half (12.5) millimetres that is constructed of expanded metal (or equivalent material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- 2.1.2. “Acceptable Fireplace” shall mean an outdoor receptacle that meets the following specifications:
- i. a minimum of one (1) metres clearance is maintained from any building, property line or other combustible material when measured from the nearest fireplace edge;
 - ii. the fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
 - iii. the fireplace is equipped with a chimney that is not less than two and one-half (2.5) metres in height when measured from the base of the burning area;
 - iv. the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - v. the base of the fire burning area is not less than three hundred (300) millimetres above the surrounding grade; and
 - vi. the fire chamber does not exceed one and one-quarter (1.25) metres in width and is at least four hundred (400) millimetres but not more than six hundred (600) millimetres in depth.
 - vii. Clay fire pots are required to meet the above regulations and should have a layer of sand or gravel in the bottom to prevent burn through.
- 2.1.3. “Apparatus” shall mean any vehicle provided with machinery, devices, Equipment or materials for firefighting, as well as any vehicles used for transporting firefighters or supplies.
- 2.1.4. “Burning Hazard” shall mean an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or property or damage property.
- 2.1.5. “CAO” shall mean the Chief Administrative Officer for the Town of Three Hills or his designate.
- 2.1.6. “Council” shall mean the body of elected officials who govern the Town,
- 2.1.7. “Dangerous Goods” shall mean any product, substance, or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the *Transportation of Dangerous Goods Control Act*, RSA 2000, C. D-4, and any amendments thereto;
- 2.1.8. “Enforcement Officer” shall refer to a Bylaw Enforcement Officer appointed by the

Town pursuant to the *Municipal Government Act* to enforce Town Bylaws, a member of the Royal Canadian Mounted Police or, when authorized, a Community Enforcement appointed under the *Peace Officer Act*, SA 2006, c. P-3.5, as amended.

- 2.1.9. “Equipment” shall mean any tools, contrivances, devices or materials used by the Fire Department to combat an Incident or other emergency.
- 2.1.10. “False Alarm” shall mean any notification to the Fire Department or any Member respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or Property, wherein such a condition, circumstance or event is in fact not in existence.
- 2.1.11. “Fire Advisory” shall mean an order issued pursuant to this Bylaw for the purpose of fire prevention and cessation of Fire Permits for duration of the Advisory.
- 2.1.12. “Fire Ban” shall mean any fire ban, whether municipally or provincially declared, that prohibits fires in all or part of the Town.
- 2.1.13. “Fire Chief” shall mean the Member appointed as head of the Fire Department.
- 2.1.14. “Fire Department” shall mean the fire department as established by Council and organized by the Town consisting of, among other things, all persons appointed or recruited to the various positions within the Fire Department and all buildings, equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Department;
- 2.1.15. “Fire Department Property” shall mean all Property owned or controlled by the Town and designated for use by the Fire Department.
- 2.1.16. “Fire Hazard” shall mean any condition, circumstance or event wherein the possibility of Fire is increased.
- 2.1.17. “Fire Permit” shall mean a permit issued by the Fire Chief, pursuant to this Bylaw, authorizing the setting of a specific type of fire within the Town.
- 2.1.18. “Fire Protection” shall mean any and all of the services enumerated in this Bylaw and includes any other service delivered by or for the Fire Department that is authorized by Council.
- 2.1.19. “Fire Protection Charges” shall mean rates, fees and charges payable for, or in connection with, the provision of Fire Protection, as set out in the Rates Bylaw.
- 2.1.20. “Fireworks” shall mean the pyrotechnics classified as fireworks pursuant to the *Explosives Act* and its Regulations, including consumer fireworks, display fireworks and special effect pyrotechnics, but does not include firecrackers or explosive devices. Fireworks are regulated by the Town under the Fireworks Bylaw, as amended.
- 2.1.21. “Incident” shall mean a fire or medical situation where a fire or explosion is imminent or any other situation presenting danger or possible danger to life, property or the environment and to which the Fire Department has responded.
- 2.1.22. “Master Rates, Fees & Charges Bylaw” shall refer to the Town’s *Master Rates, Fees and Charges Bylaw* as amended or replaced from time to time.

- 2.1.23. “Member” shall mean any person that is a duly appointed Member of the Fire Department and includes the Fire Chief.
- 2.1.24. “Member in Charge” shall mean the Fire Chief, or in the absence of the Fire Chief, the highest-ranking Member who first arrives at the scene of an Incident.
- 2.1.25. “Outdoor Fire” shall mean any fire not contained within a building or structure and shall include fire involving humus soil, piles of coal, farm produce, waste, bush, grass, seed, straw or any fire that has escaped or spread from a building structure, machine or vehicle and any fire set for the purpose of thawing frozen ground or clearing land.
- 2.1.26. “Owner” shall mean the person or persons listed on title as the registered owner of property at the Land Titles Office.
- 2.1.27. “Person” shall mean any individual, firm, partnership, association or corporation.
- 2.1.28. “Prohibited Debris” shall mean any material that when burned will result in the release of dense smoke or toxic air contaminants to the atmosphere as outlined in any statute or bylaw written to protect and enhance the environment and shall include but not be limited to materials described as:
- i. straw and stubble;
 - ii. animal manure;
 - iii. chemicals and chemical containers;
 - iv. combustible material in automobiles;
 - v. household refuse;
 - vi. non-wooden material;
 - vii. paints and painting materials;
 - viii. pathological waste;
 - ix. rubber or plastic or anything containing or coated with rubber or plastic or similar substances except rubber or plastic attached to shredded scrap steel;
 - x. tires;
 - xi. toxic substances;
 - xii. used oil; or
 - xiii. wood products containing substances for the purpose of preserving wood.
- 2.1.29. “Property” shall mean any real or personal Property, which, without limiting the generality of the foregoing, includes land and structures.
- 2.1.30. “Recreational Fire” shall mean a fire confined to a non-combustible container which is set for the purpose of cooking, obtaining warmth or viewing for pleasure. Such Fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane.
- 2.1.31. “Refuse or Waste” shall mean all animal or vegetable matter including materials resulting from the handling, preparation, cooking, consumption and storage of food;



broken dishes, tins, glass, rags, cast-off clothing, waste paper, excelsior cardboard, sawdust, food containers, plastic, grass cuttings, shrubbery and tree pruning's, weeds, garden waste, manure, tree stumps, roots, turf, earth, furniture, household appliances, discarded auto parts or such waste matter as may accumulate as a result of building construction, renovation, repair, or demolition; any waste referred to in the *Environmental Protection and Enhancement Act*, RSA 2000, c. E-12, as amended, and regulations thereunder;

- 2.1.32. "Security Alarm" shall mean an alarm system intended to detect an unauthorized entry to a premise or to alert people to the commission of an unlawful act or both.
- 2.1.33. "Structure Fire" shall mean a fire confined to and within any building, structure, machine or vehicle which will or is likely to cause the destruction of or damage to such building, structure, machine or vehicle.
- 2.1.34. "Town" shall mean the Town of Three Hills.
- 2.1.35. "Violation Tag" shall mean a notice issued by the Town pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a person with an opportunity to pay an amount to the Town in lieu of prosecution for the offence.
- 2.1.36. "Violation Ticket" shall mean a violation ticket issued pursuant to the *Provincial Offences Procedure Act*, RSA 2000, C. P-34, as amended, and the regulations thereunder.

3. INTERPRETATION

- 3.1. The headings in this Bylaw are for reference purposes only.
- 3.2. Nothing in this Bylaw shall be interpreted as conflicting with any Provincial or Federal legislation.
- 3.3. Where any provision of this Bylaw conflicts with any Provincial or Federal legislation, the Provincial or Federal legislation shall take precedence.
- 3.4. Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and in force.

PART II: FIRE DEPARTMENT

4. ESTABLISHMENT OF FIRE DEPARTMENT

- 4.1. Council hereby establishes the Fire Department for the purpose of:
 - 4.1.1. preventing and extinguishing fires;
 - 4.1.2. investigating the cause of fires in accordance with the Quality Management Plan as approved by Council and the Safety Codes Council;



- 4.1.3. preserving life, property, and the environment and protecting persons and property from injury or destruction by fire;
- 4.1.4. providing rescue services and medical emergency co-response;
- 4.1.5. preventing, combatting and controlling Incidents;
- 4.1.6. carrying out pre-fire planning and fire inspections in accordance with the Quality Management Plan approved by Council and the Safety Codes Council;
- 4.1.7. purchasing and operating Apparatus and Equipment for extinguishing fires or preserving life, property and the environment;
- 4.1.8. Enforcing provisions of the *Safety Codes Act*;
- 4.1.9. Fulfilling the requirements of any mutual aid agreements with other municipalities;
- 4.1.10. Assisting with emergency management;
- 4.1.11. Providing public education and information regarding fire safety;
- 4.1.12. Training or other Member development;
- 4.1.13. Enforcing this Bylaw and any other applicable bylaws and policies of the Town and any applicable enactments;
- 4.1.14. Controlling and mitigating Incidents involving Dangerous Goods; and
- 4.1.15. Otherwise providing emergency services as required.

in accordance with this Bylaw, policies and guidance documents established by the Town from time to time and all applicable legislation.

5. LEVELS OF SERVICE

- 5.1. In accordance with this Bylaw and all applicable enactments, the Fire Department may respond to:
 - 5.1.1. All types of fire within the Town and Kneehill County, including but not limited to, Structure Fires and Outdoor Fires;
 - 5.1.2. All types of motor vehicle incidents within the Town and Kneehill County;
 - 5.1.3. Medical assists within the Town and Kneehill County;
 - 5.1.4. Odor calls within the Town and Kneehill County;
 - 5.1.5. Smoke investigations within the Town and Kneehill County; and
 - 5.1.6. Low level hazmat calls within the Town and Kneehill County.

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PART III: APPOINTMENT OF FIRE CHIEF & MEMBERS

6. AUTHORITY AND RESPONSIBILITY OF FIRE CHIEF

- 6.1. The Fire Chief shall be appointed by, and report to, the CAO.
- 6.2. The Fire Chief shall be responsible for managing the overall deliver of Fire Protection by the Fire Department, subject to:
 - 6.2.1. This Bylaw;
 - 6.2.2. All applicable Town policies;
 - 6.2.3. The direction of the CAO;
 - 6.2.4. Any agreements the Town has with other municipalities or other entities, however constituted, that provide Fire Protection in the Town.
- 6.3. The Fire Chief may prescribe rules, regulations and policies for the ongoing organization, administration and day-to-day operation of the Fire Department, including but not limited to:
 - 6.3.1. Use, care, maintenance and protection of Fire Department Property;
 - 6.3.2. The appointment, recruitment, conduct, discipline, duties, training and responsibilities of Members;
 - 6.3.3. The efficient operation of the Fire Department; and
 - 6.3.4. May perform such other functions and have such other powers and responsibilities the CAO may from time to time prescribe.
- 6.4. The Fire Chief shall have the authority and power to:
 - 6.4.1. Issue Fire Permits in accordance with this Bylaw;
 - 6.4.2. Issue a Fire Permit unconditionally or to impose any conditions on the Permit that the Fire Guardian considers appropriate, in her or her sole discretion, given the nature of the fire and prevailing circumstances, location and environmental conditions;
 - 6.4.3. Suspend or cancel a Fire Permit at any time;
 - 6.4.4. Refuse to issue a Fire Permit, where, in the opinion of the Fire Chief, there is a risk to the public in relation to the proposed fire;
 - 6.4.5. obtain the following information from any person found on public property or leaving or entering public property:
 - i. name;
 - ii. address;
 - iii. an account of their activities;
 - iv. the route of the activities they propose to carry out; and
 - v. the route they intend to follow on the public property;
 - 6.4.6. enter on any property or premises, except a private dwelling house, without a warrant for the purpose of discharging his or her duties under this Bylaw or applicable



legislation;

- 6.4.7. enter any private dwelling house that is on fire without a warrant for the purpose of extinguishing the fire or to prevent the spread thereof;
 - 6.4.8. direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
 - 6.4.9. perform work relating to the extinguishing or controlling the fire or the operations to preserve life and property and enter onto any property for the purpose of extinguishing or controlling the fire; and
 - 6.4.10. prevent interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of the fire.
- 6.5. The Fire Chief is authorized to delegate, and to authorize further delegations of any powers, duties and functions delegated to the Fire Chief by Council under this Bylaw.

7. AUTHORITY AND RESPONSIBILITY OF MEMBERS

- 7.1. Members are responsible to the Fire Chief for the performance of their duties pursuant to this Bylaw and any applicable bylaws, policies, and standard operating guidelines or procedures of the Town.
- 7.2. Every Member shall, unless the Fire Chief or Member in Charge has specified otherwise, have the authority and power to:
 - 7.2.1. extinguish or control any fire;
 - 7.2.2. perform the operations necessary to preserve life and property;
 - 7.2.3. enter onto any Property for the purpose described in subsections 6.2.1 and 6.2.2; and
 - 7.2.4. regulate the conduct of the public in and around the vicinity of any place where a Member is performing the activities described in subsections 6.2.1 and 6.2.2.

8. AUTHORITY AND RESPONSIBILITY OF MEMBER IN CHARGE

- 8.1. The Member in Charge in respect of an Incident shall be determined in accordance with the following:
 - 8.1.1. the Fire Chief shall be the Member in Charge;
 - 8.1.2. if the Fire Chief is absent, the Member in Charge shall be the Member who has been specifically designated, by the Fire Chief, as the Member in Charge;
 - 8.1.3. if the Fire Chief is absent and no Member has been specifically designated as the Member in Charge pursuant to section 7.1.2, or the Member so designated is absent, the Member in Charge shall be the most senior Member present.
- 8.2. The Member in Charge at an Incident shall have control, direction and management of all Apparatus, Equipment or manpower, assigned to an Incident and shall continue to act until

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relieved by another Member authorized to do so.

8.3. The Member in Charge shall take action as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to:

- 8.3.1. enter, pass through or over buildings, structures or property whether adjacent or in proximity to an Incident and to cause Members or Apparatus to enter or pass through or over the building, structure or property without permission;
- 8.3.2. establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Member in Charge;
- 8.3.3. request Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 7.3.2;
- 8.3.4. cause a building, structure or thing to be pulled down, demolished or otherwise removed;
- 8.3.5. secure manpower and Equipment which he considers necessary to deal with an Incident;
- 8.3.6. secure and/or commandeer privately owned Equipment which he considers necessary to deal with an Incident and authorize payment for use of the Equipment;
- 8.3.7. require any adult person who is not a Member, to assist in:
 - i. extinguishing a fire or preventing the spread thereof;
 - ii. removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
 - iii. demolishing a building or structure at or near the fire or other Incident.

PART IV: PERMITTED AND PROHIBITED FIRES

9. PROHIBITED FIRES

- 9.1. No person shall light or cause to be lit any fire, or permit any fire to be lit upon land owned or occupied by him or under his control within the boundaries of the Town unless the person holds a valid and subsisting Fire Permit or the fire is exempt from the requirement for a Fire Permit under this Bylaw.
- 9.2. Any person who builds, ignites or permits a fire within the Town must ensure that the fire is not left unsupervised at any time.

10. PERMITTED FIRES

- 10.1. Notwithstanding section 8.1 of this Bylaw, Fire Permits are not required under this Bylaw for the following activities:



- 10.1.1. Cooking of food using a portable appliance
- 10.1.2. Recreational Fires or cooking of food in Acceptable Fire Pits or Acceptable Fireplaces, provided that:
 - i. Only clean fuel is used such as natural gas, dry wood, or charcoal, in amounts that will be contained within the Acceptable Fire Pit or Acceptable Fireplace below the mesh screen;
 - ii. A means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
 - iii. The fire is kept under control and supervised at all times by a responsible adult person until such time that the fire has been completely extinguished; and
 - iv. Flame height does not exceed one metre above the structure or container;
- 10.1.3. the use of fireplaces, stoves and fire pits that have been installed by or on behalf of the Town or provincial government in any campground or park that is owned or controlled by the Town or provincial government provided that:
 - i. the receptacle containing the fire is a minimum of three (3) meters from all buildings, structures, property lines, and combustible materials;
 - ii. only clean, dry and untreated wood or charcoal is burned and, without limiting the generality of the foregoing, no Refuse or Waste is burned;
 - iii. the fire does not emit smoke or sparks onto neighboring Property, or otherwise create a nuisance or hazard to neighboring Property; and
 - iv. the fire is supervised, at all times, by a responsible adult, until the fire is fully extinguished;
- 10.1.4. Burning in fireplaces in or attached to dwellings as provided by legislation;
- 10.1.5. An outdoor fire lit by the Fire Department for training or preventative control purposes; and
- 10.1.6. An outdoor fire prescribed by the regulations of the *Forest Prairie and Protection Act*.

PART V: FIRE PERMITS

11. FIRE PERMITS

- 11.1. An application for a Fire Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Town.
- 11.2. Upon receipt of an application for a Fire Permit, the Fire Chief may, in his discretion, refuse to issue a Fire Permit or issue a Fire Permit with, or without, conditions.

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- 11.3. A Fire Permit shall only be valid for the time period expressly indicated on the Permit, as determined by the Fire Chief issuing the Permit at his or her sole discretion, having regard for the nature and purpose of the fire and prevailing circumstances and environmental conditions.
- 11.4. A Fire Chief may extend the period of time that an existing Fire Permit remains valid, so long as the extension is requested and approved prior to the expiration of the Fire Permit.
- 11.5. A person who submits an application for a Fire Permit shall pay any applicable fee set out in the *Master Rates, Fees, and Charges Bylaw*.
- 11.6. Upon receipt of a completed application for a Fire Permit, and the fee contemplated by subsection 10.2, the Fire Chief may, in his discretion, terminate, suspend or cancel a Fire Permit at any time. Upon receiving notification of termination, suspension or cancellation of the Fire Permit, the Fire Permit holder shall immediately extinguish any fire set pursuant to the Fire Permit.
- 11.7. On receiving notice that additional conditions have been imposed on a Fire Permit, the Fire Permit holder must immediately comply with the additional conditions.
- 11.8. A Fire Permit is not transferable.
- 11.9. Each Fire Permit application must contain the following information:
 - 11.9.1. The name and address of the applicant and the name and address of the Owner of the property on which the applicant proposes to set a fire;
 - 11.9.2. The legal and municipal description of the property on which the applicant proposed to set a fire;
 - 11.9.3. The period of time for which the Fire Permit is required;
 - 11.9.4. The precautions that will be taken by the applicant to ensure that the proposed fire remains under control;
 - 11.9.5. The signature and authorization of the applicant; and
 - 11.9.6. Consent for the proposed fire by the Owner of the property if different than the applicant.
- 11.10. Every person who sets a fire under authority of a Fire Permit shall:
 - 11.10.1. Comply with any terms or conditions of the Fire Permit;
 - 11.10.2. Keep the Permit at the site of the fire;
 - 11.10.3. Produce and show the Permit to the Fire Chief, a Member or an Enforcement Officer upon request;
 - 11.10.4. Have a responsible person in attendance at the fire at all times;
 - 11.10.5. Keep the fire under control;
 - 11.10.6. Extinguish the fire before expiration of the Permit or upon cancellation of the Permit; and
 - 11.10.7. Be responsible for any costs incurred by the Fire Department when called upon to extinguish such fire if, in the opinion of the Fire Chief, the fire is a hazard to persons



or property.

PART VI: FIRE ADVISORIES AND FIRE BANS

12. FIRE ADVISORIES

- 12.1. The Fire Chief may, from time to time, prohibit the issuance of any new Fire Permits and suspend all active Permits when, in the opinion of the Fire Chief, the prevailing environmental conditions give rise to an increased risk of fire.
- 12.2. A Fire Advisory imposed pursuant to section 11.1 shall remain in force until either the date provided in the notice of the Fire Advisory or until such time as the Fire Chief provides notice that the Fire Advisory is no longer in effect.
- 12.3. Notice of a Fire Advisory shall be provided to the public by posting in the local newspaper, on the Town website and social media, or by any additional or alternate means that the Fire Chief considers appropriate in the circumstances.
- 12.4. When a Fire Advisory is in effect no Fire Chief shall issue a Fire Permit from the date of issuance of the Fire Advisory.
- 12.5. When a Fire Advisory is in effect, no person shall ignite a fire unless the fire is exempt from requiring a Fire Permit pursuant to this Bylaw; or sell, purchase, possess, handle, discharge, fire or set off Fireworks within the Town.

13. FIRE BANS

- 13.1. The Fire Chief may, from time to time, prohibit all fires within the Town, when the Fire Chief, in his sole discretion, determines that the prevailing environmental conditions may give rise to an increased risk or fire or increased risk of a fire running out of control.
- 13.2. A Fire Ban imposed pursuant to section 12.1 shall remain in force until either the date provided in the notice of the Fire Ban or until such time as the Fire Chief provides notice that the Fire Ban is no longer in effect.
- 13.3. Notice of a Fire Ban shall be provided to the public by posting in the local newspaper, on the Town website and social media, or by any additional or alternate means that the Fire Chief considers appropriate in the circumstances.
- 13.4. When a Fire Ban is in effect, no person shall start a fire, or permit a fire to be started on Property that the person owns or occupies, regardless of whether the person is the holder of a Fire Permit, and such person shall immediately extinguish any fire that has been started once the person knows or ought reasonably to know of the Fire Ban.
- 13.5. When a Fire Ban is in effect, no person or sell, purchase, possess, handle, discharge, fire or set off Fireworks within the Town.
- 13.6. During a Fire Ban imposed pursuant to subsection 12.1, a person may, subject to the requirements of this Bylaw, and unless the notice of Fire Ban provides otherwise, use a

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barbeque that burns propane, natural gas, compressed briquettes, wood pellets or charcoal, provided that the barbeque is used for the purpose of cooking or obtaining warmth and is used on private property or in a public area that has been approved by the Town or the Fire Chief for the use of such barbecues.

- 13.7. All Fire Permits issued within the area affected by the Fire Ban are suspended for the duration of the Fire Ban.

PART VII: REQUIREMENTS FOR FIRE SAFETY

14. FIRE SAFETY PLANS

- 14.1. When a Fire Advisory is in effect, no person shall ignite a fire unless the fire is exempt from requiring a Fire Permit pursuant to this Bylaw; or sell, purchase, possess, handle, discharge, fire or set off Fireworks within the Town.

15. REQUIREMENT TO REPORT

- 15.1. The owner or authorized agent of any property damaged by fire must immediately report the particulars of such fire to the Fire Department.
- 15.2. The owner or authorized agent of any property containing Dangerous Goods which sustains an accidental or unplanned release of the Dangerous Goods must immediately report particulars of such spill or release to the Fire Department.

PART VIII: FIRE PROTECTION CHARGES

16. SERVICE FEES AND CHARGES

- 16.1. When the Fire Department has taken any action for the purpose of:
 - 16.1.1. Site inspections for regulated occupancies;
 - 16.1.2. Requested site inspections and required fire investigations;
 - 16.1.3. Business inspections;
 - 16.1.4. File searches;
 - 16.1.5. Report copies;
 - 16.1.6. Duplicate copies of photographs;
 - 16.1.7. Photocopies of photographs;
 - 16.1.8. Site inspection or Fire Permit for flammable or combustible fuel tank installation;



16.1.9. Site inspection or Fire Permit for flammable or combustible fuel tank removal;

16.1.10. Fire Permits;

16.1.11. Fireworks Permits;

16.1.12. Responding to an Incident; or

16.1.13. Responding to a False Alarm;

the applicable fee as set out in the Town's *Master Rates, Fees and Charges Bylaw* must be paid to the Town by the Owner of the subject property.

16.2. The fees charged by the Fire Department for services rendered pursuant to this Bylaw are set out in the *Master Rates, Fees and Charges Bylaw*.

16.3. The fees and charges described in this section shall be a debt due and owing to the Town and collection of unpaid fees and charges may be undertaken by civil action in a court of competent jurisdiction.

17. FIRE PROTECTION CHARGES

17.1. When the Fire Department has extinguished a fire within or outside of the Town for the purpose of preserving life, property, and the environment from injury or destruction, the Fire Chief may charge any costs incurred by the Fire Department in taking such action to:

17.1.1. the person or persons causing or contributing to the fire; or

17.1.2. the Owner or occupant of the property;

and all persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Town.

17.2. Fire Protection Charges shall be paid within thirty (30) days of receipt.

17.3. 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 Town is entitled to on the property in respect of which the indebtedness is incurred.

17.4. Without limiting section 60, the Owner of a property within the Town is liable for Fire Protection Charges incurred in relation to the Fire Department extinguishing fires on that property and the Town may add to the tax roll of the parcel of land all unpaid Fire Protection Charges, which forms a special lien against the property in favor of the Town from the date the amount was added to the tax roll.

17.5. Where the Fire Department has responded to a motor vehicle collision, the Town may, in its discretion, charge Fire Protection Charges to any or all of the following persons, in addition to those persons identified in section 16.1:

17.5.1. the owners of motor vehicles involved in the collision; and

17.5.2. where the motor vehicle collision has occurred on a provincial highway, the Government of Alberta;

and all persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Town.

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- 17.6. Without limiting the generality of subsection 16.1, the Town may charge a fee, set out in the Rates Bylaw, if the Fire Department responds to a Security Alarm that has been routed to the Fire Department, and such fee may be charged to any person who caused or contributed the triggering of the Security Alarm, in addition to those persons identified in subsection 13.1.
- 17.7. Without limiting the generality of subsection 16.1:
 - 17.7.1. the Town may charge a fee, set out in the Rates Bylaw, when the Fire Department responds to more than two (2) False Alarms originating from the same alarm system or Property within the same calendar year, and such a fee may be charged to any person who caused or contributed to the False Alarm, in addition to those
 - 17.7.2. if the Fire Department receives a False Alarm, but is advised that the notification received was a False Alarm before any Fire Department Apparatus has left the fire station and, as a consequence, only one Fire Department Apparatus responds in order to reset the alarm system, the applicable fee payable pursuant to subsection shall be reduced by fifty (50%) percent; and

for greater certainty, the fee reduction described in section 16.7.2 shall apply to False Alarms only and shall not apply to Security Alarms routed to the Fire Department.

PART IX: MISCELLANEOUS

18. PROHIBITIONS

- 18.1. No person shall:
 - 18.1.1. deposit, discard or leave any burning matter or substance in a location where it may reasonably be expected to ignite other material and cause a fire;
 - 18.1.2. conduct any activity that might reasonably be expected to cause a fire, without exercising reasonable care to prevent the fire;
 - 18.1.3. impede, obstruct or hinder a Member, or any person assisting or acting under the direction of a Member, who is carrying out any function or activity related to the provision of Fire Protection;
 - 18.1.4. damage, destroy or interfere with the operation of any Apparatus, Equipment or Fire Department Property;
 - 18.1.5. falsely represent oneself as a Member, or other person employed by or affiliated with the Fire Department, including by, without limiting the generality of the foregoing, wearing or displaying any insignia or materials of the Fire Department, without authorization from the Fire Chief;
 - 18.1.6. fail to comply with an order given pursuant to this Bylaw to vacate a building; or
 - 18.1.7. cross any perimeter established, pursuant to this Bylaw, at the scene of an Incident.



18.2. A person who has damaged or destroyed any Apparatus, Equipment or Fire Department Property shall, in addition to any penalty imposed pursuant to this Bylaw, be liable for, and pay upon demand, all costs incurred by the Town to repair or replace the Apparatus, Equipment or Fire Department Property in question.

19. FIRE CONTRACTS/AGREEMENTS

19.1. The Town, if authorized by resolution of Council, may:

- 19.1.1. enter into a written contract providing for the supply of Fire Protection outside the municipal boundaries of the Town; and
- 19.1.2. enter into mutual aid agreements in relation to Fire Protection with other surrounding municipalities within a 100 km radius of the Town.

PART X: ENFORCEMENT & OFFENCES

20. ENFORCEMENT

- 20.1. Where Property does not comply with this Bylaw or a person contravenes this Bylaw, the Town may pursue its enforcement alternatives in accordance with any enactment, or common law right, including issuance of an order to remedy contraventions or dangers, remedying contraventions or dangers by the Town, adding amounts to the tax roll, and pursuing injunctions pursuant to the *Municipal Government Act*.
- 20.2. The Fire Chief and/or an Enforcement Officer are hereby authorized to carry out inspections of land and structures, issue order, remedy conditions and contraventions, and enforce this Bylaw in accordance with the *Municipal Government Act*.

21. OFFENCES

21.1. No person shall:

- 21.1.1. Contravene any provision of this Bylaw;
- 21.1.2. Damage or destroy Fire Department Property;
- 21.1.3. falsely represent himself as a Member;
- 21.1.4. obstruct or otherwise interfere with access by the Fire Department or Fire Department Property to:
 - i. the scene of an Incident;
 - ii. a fire hydrant, cistern or other body of water designated for firefighting purposes; or
 - iii. connections to fire mains, stand pipes, or sprinkler systems;



- 21.1.5. cross any boundaries or limits establishing by the Fire Department in accordance with this Bylaw, without the express authorization of the Member in Charge;
 - 21.1.6. cause or permit a Burning Hazard or Fire Hazard to exist on a property;
 - 21.1.7. deposit, discard, or abandon any burning matter or substance so as to create a Burning Hazard;
 - 21.1.8. light a fire or cause a fire to be lit during a Fire Ban;
 - 21.1.9. light a fire unless they are the holder of a valid Fire Permit if required under this Bylaw;
 - 21.1.10. provide false, incomplete, or misleading information to the Fire Chief, a Member or an Enforcement Officer with respect to a fire or a Fire Permit application;
 - 21.1.11. light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
 - 21.1.12. conduct any activity that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent a fire from occurring;
 - 21.1.13. conduct any activity that involves the use of a fire, where smoke produced by the fire may impede the visibility of vehicular and pedestrian traffic on any road or highway;
 - 21.1.14. light a fire on lands owned or controlled by the Town except with the Town's express written consent;
 - 21.1.15. use a fire to burn Prohibited Debris;
 - 21.1.16. impede obstruct, or otherwise hinder a Member of the Fire Department or Enforcement Officer in carrying out their duties under this Bylaw or related legislation; or
 - 21.1.17. impede, obstruct or otherwise hinder access to property or Equipment required for use by a Member of the Fire Department or Enforcement Officer in carrying out their duties under this Bylaw or related legislation.
- 21.2. A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine.

PART XI: PENALTIES

22. SPECIFIED PENALTIES

- 22.1. Without restricting the generality of section 20.1, the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are as set out in the *Master Rates, Fees and Charges Bylaw*.

23. VIOLATION TAG

- 23.1. A Violation Tag may be issued to such person:
 - 23.1.1. either personally; or
 - 23.1.2. by mailing a copy to such Person at his last known post office address.
- 23.2. The Violation Tag shall be in a form approved by the CAO and shall state:
 - 23.2.1. the name of the person;
 - 23.2.2. the offence;
 - 23.2.3. the specified penalty established by this Bylaw for the offence;
 - 23.2.4. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - 23.2.5. any other information as may be required by the CAO.
- 23.3. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the Violation Tag.
- 23.4. If a Violation Tag has been issued and if the specified penalty has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.

24. VIOLATION TICKET

- 24.1. Notwithstanding section 22.1, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 24.2. Subject to the *Provincial Offences Procedure Act* and the regulations thereunder, if a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - 24.2.1. specify the fine amount established by this Bylaw for the offence; or
 - 24.2.2. require a person to appear in court without the alternative of making a voluntary payment.
- 24.3. A person who commits an offence may:
 - 24.3.1. if a Violation Ticket is issued in respect of the offence; and
 - 24.3.2. if the Violation Ticket specifies the fine amount established by this Bylaw for the offence; make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.



PART XII: SEVERABILITY, REPEAL & ENACTMENT

25. SEVERABILITY

25.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

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

26. REPEAL

26.1. Bylaw No. 1133-96 – Fire Bylaw and Bylaw No. 1342-12 – Fire Bylaw Amendment are hereby repealed.


27. ENACTMENT

27.1. This Bylaw shall come into force and effect on the final date of passing thereof.

READ A FIRST TIME THIS 11th DAY OF MAY 2020.

READ A SECOND TIME THIS 11th DAY OF MAY 2020.

READ A THIRD TIME THIS 11th DAY OF MAY 2020.



(CHIEF ELECTED OFFICIAL)



(CHIEF ADMINISTRATIVE OFFICER)

SEAL

