

BYLAW #797
OF THE
TOWN OF KILLAM
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE PREVENTION, REGULATION AND CONTROL OF THE LIGHTING OF FIRES WITHIN THE TOWN OF KILLAM.

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended (hereafter the "Municipal Government Act") provides that council may pass bylaws respecting the safety and welfare of people and the protection of people and property;

AND WHEREAS Section 7 of the Municipal Government Act also provides that council may pass bylaws respecting the creation of offences and imposing fines not exceeding \$10,000;

AND WHEREAS Section 553 of the Municipal Government Act provides that council may add unpaid expenses, costs and remuneration related to the municipality extinguishing fires on the parcel to the tax roll of a parcel of land;

AND WHEREAS The council of Town of Killam deems it necessary and expedient to provide for a fee for service for the provision of certain services and to provide for the fair and just recovery of those costs and expenses;

NOW THEREFORE The Council of The Town of Killam hereby enacts as follows:

SECTION 1: NAME

1.1 This bylaw may be cited as "The Fire Bylaw"

SECTION 2: DEFINITIONS

2.1 In this Bylaw:

- a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications noted under Section 10.
- b) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.
- c) "Authority having jurisdiction" means:
 - i) The Fire Chief or Deputy Fire Chief of the Fire Department.
 - ii) Any persons designated by the Town of Killam as a Safety Codes Officer in the Fire Discipline and in accordance with the Safety Codes Act, R.S.A. 2000, c. S-1, as amended.
- d) "Chief Administrative Officer" means that person appointed to the position and title by the Municipal Council of the Town of Killam and includes any person appointed by the Chief Administrative Officer to act as appointee.
- e) "Council" means the Council of the Town of Killam.

- f) "Dangerous Goods" means any material or substance that may constitute an immediate or long-term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use. It shall include those products, substances and organisms described in the Dangerous Goods Transportation and Handling Act, R.S.A. 2000, c. D-4, as amended, and the regulations promulgated thereunder.
- g) "Designate" means any person designated by the Fire Chief to act in the capacity of Fire Chief.
- h) "Enforcement Officer" means any member of the Royal Canadian Mounted Police who is a peace officer, or a Bylaw Enforcement/Special Constable of the Municipality.
- i) "Equipment" means any tools, devices, or materials used by the Fire Department to combat an Incident or other emergency.
- j) "Fire Chief" means the person appointed by Council as head of the Fire Rescue Department.
- k) "Fire Rescue Department" means the department established by the Municipality by this Bylaw and includes any Member.
- l) "Fire Department Property" means all property owned or controlled by the Municipality and designated for use by the Fire Department, regardless of the source of the Property.
- m) "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.
- n) "Incident" means a fire, a situation where an explosion is imminent, and any other situation where there is danger or a possible danger to life or property.
- o) "Member" means any person who is appointed to be a volunteer member of the Fire Department by the Fire Chief or Designate.
- p) "Member in Charge" means, in the absence of the Fire Chief, the Officer or Member of the Department in command of the Fire or Incident.
- q) "Municipality" means the municipal corporation of the Town of Killam, in the Province of Alberta, and where the context requires, means all lands situated within the corporate boundaries of the Town of Killam.
- r) "Officer" means a Member appointed by the Fire Chief to a supervisory position within the Fire Department.
- s) "Property" means any real or personal property including, but not limited to, land and structures and equipment.

SECTION 3: JURISDICTION

3.1 The limits of the jurisdiction of the Fire Protection provided will extend to the area and boundaries of the Town of Killam and no part of the fire apparatus or service shall be used beyond the limits of the Town of Killam without the express authority of a written contract or mutual aid agreement providing for the supply of fire fighting services or other Incident response outside the Town of Killam boundaries.

SECTION 4: FIRE RESCUE DEPARTMENT

4.1 Council hereby establishes the Fire Rescue Department for the purpose of:

- i) preventing and extinguishing Fires;
- ii) investigating the causes of Fires;
- iii) preserving life and Property and protecting persons and Property from injury or destruction by Fire;
- iv) providing rescue services;
- v) preventing, combating and controlling Incidents;
- vi) carrying out Fire inspections and prevention patrols.

SECTION 5: FIRE CHIEF

5.1 Council shall appoint the Fire Chief upon recommendation by the Chief Administrative Officer with regular reporting duties.

5.2 The Fire Chief may appoint, as many officers as he or she deems required for the operation of the Department. The Fire Chief shall supervise these appointed officers.

5.3 The Fire Chief may appoint additional members to the Fire Department as he or she deems required for the proper and efficient operation of the Department. These Members shall be supervised by the Fire Chief and the appointed officers.

5.4 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction of the Chief Administrative Officer, and in particular, shall carry out all Fire Protection activities and such other activities as directed in the approved annual budget including, but not limited to: rescue, emergency medical services, pre-fire planning, disaster services, preventative patrols and fire inspections.

5.5 The Fire Chief may establish rules, regulations, policies and committees subject to the ratification of the Chief Administrative Officer, for the proper organization and administration of the Fire Department including: the use, care and protection of Fire Department property, conduct and discipline of officers and members of the department, efficient operations of the department and training of officers and members of the department.

5.6 The Fire Chief or member in charge, shall have control, direction and management of any fire department apparatus, equipment or human resources required and assigned to an Incident, and where a member is in charge, he or she shall continue to act until relieved by an Officer authorized to do so.

5.7 The Fire Chief that is at an Incident may, at his or her discretion:

- i) establish boundaries or limits and prevent persons from entering the area within the prescribed boundaries;
- ii) request peace officers to enforce restrictions on persons entering within the boundaries or limits described;

- iii) cause a building, structure or thing to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures or things, and
- iii) cause the Fire Department to enter on any land or premises, including adjacent land or premises to combat, control or deal with the Incident in whatever manner deemed necessary.

SECTION 6: POWERS OF FIRE MEMBERS

6.1 Each person duly appointed by the Fire Chief is a member of the Killam Fire Rescue Department by virtue of his or her appointment.

6.2 Each Member shall have the authority and power to:

- i) extinguish or control any Fire;
- ii) perform the operations necessary to preserve life and Property;
- iii) regulate the conduct of the public in and around the Incident

6.3 The Member in Charge, or a Member directed by the Member in Charge, shall have the authority to:

- i) require any able-bodied adult person to assist in extinguishing fires and to assist in the prevention and spread thereof;
- ii) authorize payment for the possession or use of any equipment for the purpose of fighting a fire;
- iii) enter a closed area without a permit or written permission for purposes of controlling or mitigating a Fire or Incident;
- iv) obtain from any person found leaving, entering, or situated on public land:
 - a) that person's name, address and an account of activities;
 - b) the activities the person proposes to carry out; and
 - c) the route the person intends to travel.
- iv) without warrant, enter on to any land or premises which is on Fire and proceed to extinguish the Fire, rescue an individual whose life is in imminent danger or prevent the spread of fire thereof;

SECTION 7: CONTROL OF FIRE HAZARDS

7.1 If, in the opinion of the Fire Chief, there exists a fire hazard on land within the Municipality, whether public or private, the Fire Chief may order the owner or the person in control of the said land to reduce or remove the hazard within the time and in the manner prescribed by the Fire Chief.

7.2 In the event of non-compliance with an order made pursuant to Section 7.1, the Fire Chief may enter onto the land with any equipment and human resources necessary to eliminate or reduce the fire hazard with the costs charged to the land owner.

SECTION 8: REQUIREMENT TO REPORT

8.1 The owner of any Property damaged by Fire shall, either personally or by agent, immediately report the particulars of the Fire to the Fire Department in a manner set out and in accordance with the Safety Codes Act R.S.A. 2000, c. S-1, as amended.

8.2 The owner of any Property upon which Dangerous Goods have been spilled or released shall, either personally or by agent, immediately report particulars of such spill or release to the Fire Department.

SECTION 9: DISCHARGE OF DUTIES

9.1 Any Member charged with the enforcement of this Bylaw, acting in good faith, and without malice for the Town of Killam in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act or omission of the Member in the discharge of those duties.

SECTION 10: FIRE PITS, OUTDOOR FIREPLACES AND STATIONARY BARBECUES

10.1 Fire Permits are required for Fire Pits, Outdoor Fireplaces, and Stationary Barbecues.

10.2 No fire permits are required for portable barbecues which operate by liquefied petroleum gas (LPG), natural gas, briquettes, or charcoal, when used for the purpose of cooking or obtaining warmth, provided the appliances are used on the property of the resident, or in a public area at a location that is approved by the Authority having jurisdiction.

10.3 No fire permit is required for open fires in the approved burn pits / fireplaces in the designated camping sites as approved by the Authority having jurisdiction.

10.4 Fire Pits, Outdoor Fireplaces, and Stationary Barbecues, that burn combustible materials, shall meet the following requirements:

- a) A minimum of 3.0 meters (10 ft.) clearance shall be maintained from buildings, property lines, and combustible material, or as approved by the Authority having jurisdiction.
- b) Installations shall have a surface or cooking area not exceeding *36 inches in diameter, length or width* shall be constructed of bricks, concrete blocks, heavy gauge metal, or other suitable non-combustible components as approved by the Authority having jurisdiction.
- c) A spark arrestor mesh screen of 1.3 centimeters (.50 inches) expanded metal (or equivalent), to contain sparks shall be provided over the fire at all times.
- d) Only clean fuel shall be used (clean dry wood or charcoal), Refuse or waste shall not be burned except as permitted under section 4 of this bylaw.
- e) The users of such installations shall ensure that smoke or sparks do not create a nuisance or hazard to other persons or properties.

SECTION 11. FIRE PERMITS:

11.1 No person shall permit an Open fire, nor burn, suffer, allow or permit the burning of refuse or waste upon land owned, occupied, or under control of that person, within the Town of Killam, without a valid Fire permit, issued pursuant to this bylaw, or except as provided herein.

11.2 The Town of Killam may issue fire permits authorizing the following:

- Fire Pits
- Stationary Barbecues & Outdoor Fireplaces
- Fire Works Displays
- Refuse Burning

11.3 A person to whom a fire permit has been issued under section 2.2, shall at all times keep a competent person in charge of the fire, and shall barricade or otherwise secure the area, to limit the entry of unauthorized persons.

11.4 A person to whom a fire permit has been issued under section 2.2, or a person who fails to obtain a permit, shall upon demand, pay to the Town, any and all costs incurred to extinguish a fire, when, in the opinion of the Authority having jurisdiction, the fire is a hazard to the public, buildings or adjacent properties.

SECTION 12 CONTROLLED BURNING OF WASTE MATERIALS:

12.1 Controlled burning of waste materials is prohibited with the Town of Killam limits.

SECTION 13 FIREWORKS STORAGE AND DISPLAY:

13.1 A permit is required for the storage of fireworks materials and for fireworks displays.

SECTION 14: RECOVERY OF COSTS:

14.1 Where the Fire Department has:

- a) taken any action in response to a Fire or Incident within the Municipality; and
- b) determined that such Fire or Incident is in contravention of the Bylaw, the Fire Chief may, in respect of any costs incurred in taking such action, charge any costs so incurred to the person who caused the Fire, Incident or false alarm, or to the owner or occupant of the land in respect of which the action was taken.

14.2 The costs and fees that may be charged by the Fire Department for services rendered pursuant to this Bylaw shall be set out in Schedule A to this Bylaw.

14.3 In respect of the costs or fees as described in Section 14.1 and 14.2;

- a) the Municipality may recover such costs or fees as a debt due and owing the Municipality; and
- b) where the cost or fee is not paid upon demand by the Town, then in default of payment, the Municipality shall add the cost of work performed to the tax roll of the said land, and cause a corresponding lien to be registered against the land at the Land Titles Office.

SECTION 15: PROHIBITIONS, VIOLATIONS AND PENALTIES

15.1 No person shall impede, obstruct, abuse or in any way hinder a Fire Chief, Incident Commander, or any Officer or Member at any Incident.

15.2 No person shall place or leave in place any vehicles, article, thing or matter in such a manner as to interfere with free access or approach to any fire hydrant or service connection.

15.3 No person shall move any fire hose, or drive a vehicle over any fire hose at any fire without permission of the Fire Chief.

- 15.4 No person other than an employee of the Town of Killam Public Works Department or a Member of the Department shall use any fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from the Town Foreman. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, or bodies of water designated for fire fighting purposes.
- 15.5 Any person who in any way obstructs, prevents, or refuses to admit a Safety Codes Officer, Fire Inspector or Investigator in, to or upon any land, premises, yards or buildings for the purpose of investigating the same, or who incites or abets such action shall be considered in breach of this Bylaw. The Safety Codes Officer(s) for the Town of Killam shall have all powers as provided for in the Safety Codes Act with reference to the Fire Discipline.
- 15.6 No person shall willfully or maliciously destroy or injure any property at a fire or any Apparatus or Equipment belonging to the Department.
- 15.7 No person shall falsely represent himself or herself as an employee, or Member of, or connected with the Department.
- 15.8 No person shall wear, use or have in his possession or under his control any official badge, identification or uniform of the Department except with the express written consent of the Fire Chief.
- 15.9 No person shall falsely state that he has the sanction of the Department in soliciting any person, agency, society or company on any matter.
- 15.10 No person shall light or discharge fireworks within the municipal boundaries of the authority having jurisdiction unless they are a licensed pyro technician and have the written approval of the Town of Killam.
- 15.11 Any person who refuses to provide or furnish any information required under this Bylaw, when requested shall be in breach of this Bylaw.
- 15.12 Every person who violates any of the provisions of this Bylaw, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, shall be deemed guilty of an infraction of this Bylaw, and upon a summary conviction, subject to a minimum fine of Two Hundred and Fifty Dollars (\$250.00) and a maximum fine of Two Thousand Dollars (\$2,000.00).

SECTION 16 CALLS EXEMPT OF COST RECOVERY ACTION

- 16.1 In the event that the Fire Department responds to a call and there is no fire on the lands (false alarm), the owner or occupant of the land is exempt from any charges for responding which are incurred by the fire department at the time of a false alarm, unless the owner or occupants is responsible for such false alarm.

SECTION 17: DATE OF COMMENCEMENT / REPEAL OF PRIOR BYLAWS

- 17.1 Town of Killam Bylaw No. 735 is hereby repealed.

17.2 This Bylaw shall come in force and effect on the date of the third and final reading and signing thereof.

READ a first time this 13th day of August, A.D. 2009

READ a second time this 13th day of August, A.D. 2009

READ a third time and passed this 13th day of August, A.D. 2009

Mayor

CAO

Fire Department Schedule of Fees:

RESPONSE FEE PER HOUR

Pumper Unit \$650 per hour for 1st hour and \$350 for any additional hour to a maximum of \$1,000.