

**BYLAW #797C**  
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 PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF **FIRE PROTECTION SERVICES**.

**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, health and welfare of people and the protection of people and property and for services provided by or on behalf of the municipality;

**AND WHEREAS** the Council for the Town of Killam has established a joint Fire Safety Quality Management Plan, approved by the Safety Codes Council, dated February 21, 1995, pursuant to the provisions of the Safety Codes Act R.S.A. 2000, Chapter S-1, as amended;

**AND WHEREAS** the Council for the Town of Killam wishes to regulate the use and setting of fires within the municipality;

**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, in the Province of Alberta, duly assembled, hereby enacts as follows:

**SECTION 1: NAME**

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

**SECTION 2: DEFINITIONS**

In this Bylaw:

- 2.1 "Acceptable Fire Pit" means an outdoor receptacle that meets the specifications noted under Section 22.
- 2.2 "Acceptable Outdoor Fireplace" means an outdoor receptacle that meets the specifications noted under Section 22.
- 2.3 "Apparatus" means any vehicle suitable for land, air, or water use which is provided with machinery, devices, equipment, materials or personnel for firefighting, rescue, or other emergency response, as well as vehicles used to transport Fire Fighters or supplies.

- 2.4 "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.
- 2.5 "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.
- 2.6 "Council" means the Council of the Town of Killam.
- 2.7 "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.
- 2.8 "Designate" means any person designated by the Fire Chief to act in the capacity of Fire Chief.
- 2.9 "Enforcement Officer" means any member of the Royal Canadian Mounted Police who is a Bylaw Enforcement officer, or a Bylaw Enforcement/Special Constable of the Municipality.
- 2.10 "Equipment" means any tools, devices, or materials used by the Fire Department to combat an Incident or other emergency.
- 2.11 "False Alarm" means any notification to the Fire Department or any Member thereof 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.
- 2.12 "Fire" means the burning of any flammable or combustible material or any combustible material in a state of combustion.
- 2.13 "Fire Chief" means the person appointed by Council as head of the Fire Rescue Department.
- 2.14 "Fire Rescue Department" means the department established by the Municipality by this Bylaw and includes any Member.
- 2.15 "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.
- 2.16 "'Fire Hazard" means any condition, circumstance, or event that increases the possibility and/or probability of Fire occurrence.
- 2.17 "Fire Protection" means all aspects of fire safety including, but not limited to, fire prevention, fire suppression, firefighting, rescue, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development and advising and responding to a request for fire protection, including legitimate emergencies and false alarms.
- 2.18 "Fire Protection Charge" means the charges and fees payable pursuant to Section 13 of this Bylaw.

- 2.19 "Fireworks" means any article defined as a firework or firecracker pursuant to the Canada *Explosives Act* or regulations thereto, as well as the Alberta *Fire Code*, as amended repealed or replaced from time to time.
- 2.20 "Incident" means a fire, a situation where a fire or explosion is imminent, and any other situation where there is a fire, a danger or a possible danger to life or property.
- 2.21 "Incident Commander" means the Member of the Fire Department who is responsible for the coordination and execution of overall strategy and fire protection tactics involved in combating an Incident.
- 2.22 "Member" means any person who is appointed to be a volunteer member of the Fire Department by the Fire Chief or Designate.
- 2.23 "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.
- 2.24 "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.
- 2.25 "Officer" means a Member appointed by the Fire Chief to a supervisory position within the Fire Department.
- 2.26 "Property" means any real or personal property including, but not limited to, land and structures and equipment.
- 2.27 "Quality Management Plan" - means the joint Fire Safety Quality Management Plan, approved by the Safety Codes Council, dated November 9, 1995, Accreditation No.J000113, Order No. 000000347.
- 2.28 "Recreational Fire" -means a Fire for recreational purposes and is confined to a non-combustible container, such as a Fire Pit or Outdoor Fireplace, as per 2.1, 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.
- 2.29 "Running Fire" -means a Fire burning without being under proper or any control of any person.
- 2.30 "Structure Fire" -means 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, excluding an Incinerator Fire.
- 2.31 "Violation Tag" means a tag or similar document issued pursuant to the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, and any Regulations thereunder.
- 2.32 "Violation Ticket" means a ticket issued pursuant to Part 2 of the ***Provincial Offences Procedure Act***, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and any Regulations thereunder.

### **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 Killam Fire Rescue Department for the purpose of:
- i) Providing Fire Protection Services;
  - ii) Preventing, combatting and extinguishing fires and incidents;
  - iii) Investigating the causes and origin of Fires and Incidents;
  - iv) Preserving life and property and protecting persons and property from injury or destruction by fire or incident;
  - v) Operating apparatus and equipment for the purpose of extinguishing fires or incident and preserving life and property;
  - vi) Fulfilling obligations under approved fire protection agreements;
  - vii) Providing public education about fire safety;
  - viii) Carrying out fire inspections and prevention patrols.
  - ix) Pre-fire and emergency planning practice;
  - x) Providing initial first response to medical incidents; and
  - xi) providing rescue services;

And each shall be performed by the Killam Fire Department to the level of service adopted by Council, which shall not be inconsistent with the legislation and regulation of the Province of Alberta.

- 4.2 The Fire Department shall develop Operation Guidelines that are consistent with this Bylaw and the legislation and regulations of the Province of Alberta, for approval by Council.

### **SECTION 5: FIRE CHIEF APPOINTMENT & DUTIES**

- 5.1 Council shall appoint the Fire Chief upon recommendation by the Chief Administrative Officer with regular reporting duties.
- 5.2 The Fire Chief shall be responsible to the CAO and shall report directly to the CAO on all operational and administrative matters, and may be required to report directly to Council on an as need basis.
- 5.3 The Fire Chief shall report all Fires and Incidents immediately after completing response to said Fires and Incidents to the CAO, with sufficient details to enable the invoicing process to properly occur and to meet the requirements of the **Safety Codes Act**, R.S.A. 2000, Chapter S-1, as amended.

- 5.4 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction of the Chief Administrative Officer, to which he or she shall be responsible. In particular, the Fire Chief may direct the fire department and its members to carry out all Fire Protection Service activities and such other fire-related activities as directed in the approved annual budget including, but not limited to
- i) Pre-fire planning
  - ii) Preventative patrols
  - iii) Fire suppression activities
  - iv) Emergency medical services, excepting ambulance services;
  - v) Rescue operations
  - vi) Disaster relief; and
  - vii) Practice and member training.

#### **SECTION 6: OFFICER APPOINTMENT AND DUTIES:**

- 6.1 Officers shall be appointed at the discretion of the Fire Chief or Designate.
- 6.2 An Officer shall:
- i) Function as an Incident Commander, as required or upon request by the Fire Chief;
  - ii) Assist the Fire Chief in ensuring that all Fire reports, Incident and accident reports, and any and all other reports required by this Bylaw and the legislation and regulations of the Province of Alberta are completed and submitted in a clear, concise, and timely manner;
  - iii) Assist the Fire Chief in establishing rules, requirements, policies, and procedures for the efficient and safe operation of the Fire Department;
  - iv) Assist the Fire Chief in maintaining a liaison with federal and provincial governments and Council on matters relating to the Fire Department;
  - v) Organize and assume responsibility for Fire Protection Services resources, apparatus, and equipment, as required;
  - vi) Provide leadership to members and develop and implement long-range plans and programs.

#### **SECTION 7 MEMBER APPOINTMENT:**

- 7.1 An individual interested in becoming a member of any Fire Department within the Town shall be eligible for consideration if he or she:
- i) is a minimum of eighteen (18) years of age, and
  - ii) has met the requirements set out in the Fire Department's Standard Operational Procedures, and any provincial Occupational Health and Safety program or training; and
  - iii) has been recommended by the Fire Chief of the Fire Department, or by an Officer of that Fire Department, following a probationary period; and
  - iv) has demonstrated that he or she is in a reasonable physical condition to perform the duties required of the Member by the Fire Department.

- 7.2 An individual interested in applying to become a member of a Fire Department shall supply the Fire Chief of the Fire Department with the following:
- i) a criminal record check report performed by the Royal Canadian Mounted Police Service;
  - ii) a signed Member Agreement (attached as Schedule "B") acknowledging their agreement to comply at all times with the requirements of this Bylaw;
  - iii) a photocopy of a valid Alberta driver's license;
  - iv) a valid Social Insurance Number;
  - v) a Driver's Abstract generated by the Province of Alberta within the past thirty (30) days;
  - vi) a signed Confidentiality Agreement (attached as Schedule "B");
  - vii) any other information deemed necessary by the Fire Chief to establish compliance with the requirements established by the Province and the Municipality.
- 7.3 Individuals under the age of eighteen (18) may assist in specific non-emergency functions with written parental consent to do so, and as approved by the Fire Chief.
- 7.4 If a member's driver's license is suspended for any reason, the member shall immediately inform the Fire Chief.

#### **SECTION 8 POWERS OF FIRE CHIEF:**

- 8.1 The Fire Chief may establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including, but not limited to:
- i) use, care and protection of Fire Department Property;
  - ii) conduct and discipline of Officers and Members of the Fire Department;
  - iii) efficient operations of the Fire Department;
  - iv) training of Officers and Members of the Fire Department;
  - v) such rules, regulations and policies shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 8.2 The Fire Chief may obtain assistance from other members as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.

#### **SECTION 9: POWERS OF INCIDENT COMMANDERS:**

- 9.1 The Incident Commander shall have control, direction and management of any Fire Department apparatus, equipment or manpower, assigned to an Incident and he or she shall continue to act until relieved by an Officer authorized to do so.
- 9.2 The Incident Commander may at his or her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her.
- 9.3 The Incident Commander may request Bylaw Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 9.2.

- 9.4 The Incident Commander is empowered to enter any Property to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an Incident, including:
- i) Passing through or over buildings or Property adjacent to an Incident and to causing Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over the building or property;
  - ii) Ordering the evacuation of any building or area which is directly or indirectly involved in an Incident.
  - iii) Causing a building, structure or thing to be pulled down, demolished or otherwise removed; and
  - iv) Upon extinguishment of a fire or resolution of an Incident, access, enter, pass through, or over buildings or property adjacent to a fire or Incident, and cause a building, structure or thing to be pulled down, demolished or otherwise removed in accordance with the *Safety Codes Act*, R.S.A. 2000, Chapter S-1, as amended, and any regulations thereto.

#### **SECTION 10 POWERS OF MEMBERS:**

- 9.1 All Fire Members are designated officers within the meaning of the *Municipal Government Act* R.S.A. 2000 Chapter M-26, as amended, for the purposes of providing Fire Protection Services to the Village.
- 9.2 Each member shall have the authority and power to:
- i) Require any able-bodied adult person to assist in extinguishing fires and to assist in the prevention or spread thereof;
  - ii) Obtain from every person found on public land or leaving or entering public land that person's name, address and an account of his or her activities and the route if the activities he or she proposes to carry out and the route he or she intends to follow on the public land;
  - iii) Without a warrant enter on or into any property except a private dwelling house, for the purpose of discharging his or her duties under this Bylaw;
  - iv) Without warrant, enter any private dwelling house which is on fire and proceed to extinguish the fire or to prevent the spread thereof;
  - v) Direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
  - vi) 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
  - vii) Prevent the 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.

#### **SECTION 11 HEALTH AND SAFETY:**

- 11.1 All members shall endeavour to perform fire protection services in a safe manner, according to this Bylaw and to the training provided, and to know safe working procedures.

- 11.2 All members shall endeavour to report unsafe conditions and reduce the incidence of unsafe conditions.

## **SECTION 12: CONTROL OF FIRE HAZARDS**

- 12.1 If the Fire Chief or Designate finds within the Town's boundaries, on privately owned land or occupied public land, conditions that, in his/her opinion, constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the fire hazard within a fixed time and in a manner prescribed by the Town.
- 12.2 If the Fire Chief or Designate finds that the order it made pursuant to Section 12.1 has not been carried out, a Designated Officer may enter onto the land with any equipment and any person he/she considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- 12.3 The owner or occupant of the land on which work was performed pursuant to Section 12.2 shall, upon demand, pay to the Town a fire protection charge and in default of payment of the fire protection charge, the Town may add the fire protection charge to the tax roll of the said land, which forms a special lien against the land in favour of the Town, from the date it was added to the tax roll.

## **SECTION 13 FIRE PROTECTION CHARGES:**

- 13.1 Upon the Town issuing an Order or taking steps under Sections 12.1 or 12.2, or upon the Fire Department providing fire protection services to property within or outside the Town boundaries, resulting in the Town incurring fees or charges, the Town may in its sole and absolute discretion charge any or all of the following persons, namely:
- i) The person causing or contributing to the Fire; or
  - ii) The owner or occupant of the Property;
- a fire protection charge, and all individuals charged are jointly and severally responsible for payment of the fire protection charge to the Town;
- 13.2 The schedule of fees for fire protection charges is set out in Schedule "C" attached hereto and forming part of this Bylaw.
- 13.3 Without limiting the foregoing, a fire protection charge shall be imposed in the event of a false alarm.
- 13.4 A fire protection charge shall be paid within thirty (30) days of being levied.
- 13.5 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 place on the property in respect of which the indebtedness is incurred.
- 13.6 The owner of a parcel to which fire protection is provided is liable for fire protection charges incurred, and the Town may add to the tax roll of a parcel of land all unpaid fire protection charges and interest charges accrued one hundred and twenty (120) days after the fire protection charge has been levied.



#### **SECTION 14 PERMITTED AND PROHIBITED FIRES:**

- 14.1 No person shall set, or cause to be set, any Fire within the boundaries of the Town except as otherwise provided for under this Bylaw.
- 14.2 No person shall burn, or cause to be burned, any refuse, waste, junk, garbage, structures, debris or other noxious substance within the boundaries of the Town.
- 14.3 Subject to Section 16, a person may, on property owned or controlled by him or her set a recreational fire, so long as that recreational fire is set within a fire pit or other structure designed for the purpose of containing the recreational fire within a small, controlled area. Such a structure shall include a rock or brick fire pit, barrel or stone barbeque as described in Section 2.1.
- 14.4 When a Fire is set in contravention of Sections 14.1 or 14.2, or during a Fire ban pursuant to Section 16, the owner or occupier of the land, or the person having control of the land upon which the Fire is lit shall:
- i) Extinguish the Fire immediately; or
  - ii) If unable to extinguish the Fire immediately, report the fire to the Fire Department as soon as possible.

#### **SECTION 15 FIREWORKS:**

- 15.1 No person shall use fireworks or permit the use of fireworks on his or her property or property under his or her control, within the boundaries of the Town without the permission and notification to the Town of Killam Fire Chief.
- 15.2 Subject to Section 15.1, authorization for fireworks will only be issued for the discharge of professional fireworks and discharged by a minimum Level 2 Fireworks Supervisor as accredited by Natural Resources Canada .

#### **SECTION 16 FIRE BANS:**

- 16.1 The Fire Chief, CAO or designate may, from time to time, prohibit all fires within the Town including recreational fires when, in the discretion of the Fire Chief, CAO or designate, the prevailing environmental conditions give rise to an increased risk of a fire becoming a running fire.
- 16.2 A fire ban imposed by the Fire Chief, CAO or designate under Section 16.1 shall be in force either until the date established by the Fire Chief, CAO or designate in the notice provided to the public pursuant to Section 16.3, or until such time as the Fire Chief, CAO or designate gives notice to the public that the ban has been lifted.
- 16.3 The Fire Chief, CAO or designate shall give notice of the fire ban in effect by causing signs to be posted at the entrance roads to the Town, facing both incoming and outgoing traffic. Such a sign shall indicate that the fire ban is in place.
- 16.4 When a fire ban is in effect, **NO PERSON** shall ignite a recreational fire, or cause or allow a recreational fire to be ignited on his or her property or property under his or her control.

16.5 Any fire permits, that were previously issued, will be **SUSPENDED OR CANCELLED** for the duration of the fire ban.

### **SECTION 17 LEVEL OF SERVICE:**

17.1 The level of service policies adopted by the Municipality are those set out in Schedule "D".

### **SECTION 18 APPEAL:**

18.1 A person who considers himself or herself aggrieved by a written order given pursuant to this Bylaw may appeal\_ the direction to the Council, under terms prescribed by the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26 as amended.

### **SECTION 19 INTERFERENCE WITH DUTIES:**

19.1 No person shall obstruct the Fire Chief or any other person authorized to inspect property or to perform any work necessary to remedy a condition, from performing his or her duties under this Bylaw.

### **SECTION 20 OFFENCES:**

20.1 No person shall:

- i) Contravene any provision of this Bylaw;
- ii) Impede, obstruct or hinder a member, or other person assisting or acting under the direction of a member;
- iii) Damage or destroy Fire Department property or equipment;
- iv) At an Incident, drive a vehicle over any apparatus or equipment without permission from the Fire Chief or Incident Commander;
- v) Obstruct a member from carrying out any function or activity related in any way to fire protection;
- vi) Falsely represent themselves as a member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia which may leave the false impression that the person is a member;
- vii) Obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated or intended to be used for fire protection or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern, or other body of water designated or intended to be used for fire protection;
- viii) Light an outdoor fire or structure fire unless:
  - a) The Fire is a recreational fire; or
  - b) The fire has been set by a member for the purpose of training members
- ix) Permit an outdoor fire or structure fire to be lit upon lands that are owned or occupied by that person, or under that person's control except when such a fire is allowed under this Bylaw.
- x) When a fire is set under the circumstances described in Section 20 the owner or occupier of the land or the person having control of the land upon which the fire is lit shall:
  - a) Extinguish the fire immediately; or

- b) If unable to extinguish the fire immediately, report the fire to the Fire Department.
- xi) Either directly, or indirectly, personally or through an agent, servant or employee kindle a fire or let it become a running fire on any land not his or her own property or allow a running fire to pass from his or her own property to that of another.
- xii) Light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- xiii) Light a fire when the weather conditions are conducive to creating a running fire;
- xiv) Fail to take reasonable steps to control a fire for the purpose of preventing it from becoming running fire or from spreading onto property other than his or her own;
- xv) Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a fire;
- xvi) Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent the fire from occurring;
- xvii) Knowingly provide false, incomplete or misleading information about a fire;
- xviii) Use a fire to burn:
  - a) Material that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, or other materials or creosoted wood; or
  - b) Herbicides, pesticides or other toxic materials or substances;
- xix) Conduct any activity that involves the use of a fire, where smoke from the fire may impede visibility of the vehicular traffic on any highway as defined in the *Traffic Safety Act*, R.S.A. 2000 Chapter T-6, as amended; or
- xx) Light a fire on lands owned or controlled by the Town except with the Town's express written consent or if a recreational fire, in a fireplace or fire pit approved by the Town for that purpose.

## **SECTION 21: REQUIREMENT TO REPORT**

- 21.1 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.
- 21.2 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 22: FIRE PITS, OUTDOOR FIREPLACES AND STATIONARY BARBECUES**

- 22.1 Fire Pit Permits are required for Fire Pits, Outdoor Fireplaces, and Stationary Barbecues.
- 22.2 No fire pit 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.

- 22.3** No fire pit permit is required for open fires in the approved burn pits / fireplaces in the designated camping sites as approved by the Authority having jurisdiction.
- 22.4** 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 23 FIRE PERMITS:**

- 23.1 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.
- 23.2 The Town of Killam may issue fire permits authorizing the following:
- i) Fire Pits
  - ii) Stationary Barbecues & Outdoor Fireplaces
  - iii) Fire Works Displays
  - iv) Refuse Burning
- 23.3 A person to whom a fire permit has been issued, 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.
- 23.4 A person to whom a fire permit has been issued, 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 24 CONTROLLED BURNING OF WASTE MATERIALS:**

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

### **SECTION 25 PENALTIES:**

- 25.1 Any person who:

- i) Violates any provision of this Bylaw;
- ii) Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- iii) Neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
- iv) Does any act or thing or omits any act or thing, thus violating any provision of this Bylaw; is guilty of an offence under of this Bylaw, and upon a conviction, is liable to a penalty as set out in Schedule "E" attached hereto and forming a part of this Bylaw.

25.2 No person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

**SECTION 26 VIOLATION TAGS AND TICKETS:**

- 26.1 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Bylaw Enforcement Officer is authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
- 26.2 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and may be delivered to the person reasonably believed to have contravened this Bylaw by means of actual service upon the person or by mailing a copy to the person at his or her address as it appears on the Town's tax roll.
- 26.3 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 on the Violation Tag within ten (10) business days if delivered by actual service to the person and within fourteen (14) business days if served by mail.
- 26.4 Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Bylaw Enforcement Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, or repealed and replaced from time to time, to any person the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 26.5 A Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in the Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
- 26.6 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule "E" of this Bylaw in respect of that provision.
- 26.7 Where any person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second such contravention shall be double the amount provided for in Schedule "E" of this Bylaw.

26.8 Where any person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent such contravention shall be triple the amount provided for in Schedule "E" of this Bylaw.

### **SECTION 27 ENFORCEMENT:**

27.1 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 Act, or common law right, including but not limited to the issuance of an order to remedy the contravention by the Town, adding amounts to the tax roll, and pursuing injunctions pursuant to the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26 as amended.

### **SECTION 28 NOTICE:**

28.1 Any notice provided for in this Bylaw shall be in writing.

28.2 Service of any notice provided for in this Bylaw may be made as follows:

- i) Personally upon the person to be served; or  
By mailing the copy to the person to be served by registered mail or certified mail to the last known post office address of the person to be served and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the
- ii) person to be served or to any person receiving it on his or her behalf;
- iii) Where the Property is not occupied, by mailing the notice by registered mail or certified mail to the mailing address noted on the Village's tax roll for that Property, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf; or
- iv) As directed by the Court

### **SECTION 29 LIABILITY**

29.1 The CAO, Officers, Members and Bylaw Enforcement Officers are not liable for loss or damage caused by anything said or done or omitted and to be done in the performance or intended performance of their functions, duties or powers unless the circumstances constitute dishonesty, gross negligence or willful misconduct.

### **SECTION 30 GENERAL**

- 30.1 Should any section or part of this Bylaw be found to be improperly enacted, or outside the Municipality'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.
- 30.2 This Bylaw will function in conjunction with the Quality Management Plan, Operational Guidelines, and the Town's Occupational Health and Safety program.
- 30.3 Where the singular and/or masculine are herein used, the plural and feminine should also be inferred where appropriate.
- 30.4 Town of Killam Bylaw No. 735, 797, 797A, and 797B are hereby repealed.

30.5 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 16th day of June, A.D. 2016

READ a second time this 16th day of June, A.D. 2016

READ a third time and passed this 16th day of June, A.D. 2016

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Mayor

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CAO



Town of Killam Bylaw 797C –

Schedule A

MEMBER AGREEMENT

**TOWN OF KILLAM**

**MEMBER AGREEMENT**

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I, \_\_\_\_\_ member of the Killam Fire Department,  
(Print Name)

agree to comply at all times with the requirements of Bylaw . (as attached)

Member: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Killam Fire Chief or Officer

Date: \_\_\_\_\_





Town of Killam Bylaw 797C –

Schedule B

CONFIDENTIALITY AGREEMENT

**TOWN OF KILLAM**

**CONFIDENTIALITY AGREEMENT**

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This agreement is between you, and/or Killam Fire Department. By authorizing you will be subject to legally binding terms and conditions. Carefully read all of the terms and conditions set out below. Signing this agreement indicates your acceptance of the terms and conditions of this agreement and that you intend to be legally bound by them. If you do not agree with the terms and conditions, you are responsible for advising Killam Fire Department.

**I agree that:**

1. I am an affiliate of Killam Fire Department.
2. All Information pertaining to fire calls, medical assists or any other type of response (Fire Calls), all Personal Information (as defined by FOIP, or any other privacy legislation in effect), that I collect, use, retain and/or disclose in my role as an affiliate of Killam Fire Department is private and confidential.
3. It is my responsibility as an affiliate of Killam Fire Department to know and follow relevant information, private and security policies in effect.
4. I will take all reasonable steps to act in accordance with applicable Killam Fire Department policies, codes of conduct, bylaws, the FOIP, and any other privacy legislation in effect to keep private and confidential and prevent the unauthorized collection, use and/or disclosure of all Fire Call Information and/or Personal Information that I come into contact with in my role as an affiliate of Killam Fire Department. Such steps include, without limitation, taking reasonable security precautions against such risks as unauthorized access, collection, use, disclosure, alteration or disposal.
5. If I knowingly collect; use and/or disclose Fire Call Information in contravention of Killam Fire Department policies, codes of conduct, bylaws, the FOIPO, and any other privacy legislation in effect, I may be subject to disciplinary action, termination, and/or guilty of an offence under FOIP, and any other privacy legislation in effect.
6. I am responsible to keep confidential all Fire Call Information and Personal Information for as long as required by FOIP, or other relevant privacy legislation in effect. I agree that the obligations of confidentiality shall survive the termination of this agreement
7. I agree to notify Killam Fire Department as soon as reasonably possible if I am aware of a breach of this agreement.

By signing below I accept the terms and conditions of this agreement and intend to be legally bound by them.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Once signed and dated please forward to Killam Fire Department. A copy will remain on file.**



Town of Killam Bylaw 797C –

Schedule C

Fee Schedule: Fire Protection Charges

**TOWN OF KILLAM**

**FEE SCHEDULE – FIRE PROTECTION CHARGES**

<i>Town-owned Apparatus/Goods/Services</i>	<i>Fees Within Town of Killam Corporate Limits</i>
Engine 1	\$650.00 first hour, \$350.00 for each subsequent hour
Engine 2	\$650.00 first hour, \$350.00 for each subsequent hour
Wild Land 1	\$150.00 per hour
Bulk Water	As per Town of Killam's current bulk water rate at time of fire
Mutual Aid to Other Urbans	Invoiced at Town's Cost
False Alarms	\$250 Flat Fee
Light Plant	\$50 per Incident
Other Equipment	Invoiced at Cost to Town
Fire Fighting Foam	Invoiced at Cost to Town
Labor Costs for Fire Fighters	As per Town of Killam Policy 4.1.1 (Local and County fires) and 4.2.2 (Mutual Aid for other urban fires)



Town of Killam Bylaw 797C –

Schedule D

LEVEL OF SERVICE

**TOWN OF KILLAM**

**LEVEL OF SERVICE – FIRE PROTECTION**

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**Definitions:**

The levels of service are based on existing and future equipment and training, using National Fire Protection Associated (NFPA) definitions as stated in NFPA 471 ~ Standard for Professional Competence of Responders to Hazardous Materials and adopted to fit other incident situations.

Awareness level - Responders will recognize risks and hazards, identify specific components by name or situation, identify fire, explosion, and health hazard information, identify specific risks and hazards, secure the area and implement the planned response. (call for trained assistance.)

Operations level - Responders will take defensive action to control the incident. This will include a survey of the incident, collect information, predict the behavior of the situation, estimate potential harm, plan the response and implement, followed by an evaluation of the status of the defensive action.

Technician level - Responder will initiate offensive action to bring the incident under control. This will require use of chemical protective clothing or other specialized PPE, controlling release or spread or product, decontamination, and use of specialized equipment specific to a particular incident.

The following is the minimum level of service that can be expected within the Town of Killam boundaries:

**1. Structural firefighting**

The department will provide structural firefighting at awareness level

**2. Wild land firefighting**

The department will provide wild land firefighting at awareness level

**3. Vehicle firefighting**

The department will provide vehicle firefighting at awareness level

**4. Rescue**

- The department will provide Motor Vehicle Collision rescue at the awareness level
- The department will provide confined space rescue at the awareness level
- The department will provide trench rescue at the awareness level
- The department will provide high angle rescue at the awareness level
- The department will provide water rescue at the awareness level
- The department will provide ice rescue at the awareness level

**5. Dangerous Goods**

The department will provide dangerous goods response at the awareness level

**6. Flammable Liquid firefighting**

- The department will provide flammable liquid firefighting for small spill fires and small containers to 250 liters at the operations level.
- The department will provide flammable liquid firefighting for spills in excess of 250 liters at the awareness level.

**7. All other rescue operations**

The department will provide all other rescue operations at the awareness level.



Town of Killam Bylaw 797C –

Schedule E

Penalties

**TOWN OF KILLAM**

**PENALTIES – FIRE PROTECTION CHARGES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>MINIMUM PENALTY (First Offence)</b>
14.1	Setting Illegal Fire	\$200.00
14.2	Burning Refuse, waste, junk, garbage, structures or debris	\$250.00
15.1	Using fireworks or permitting use of fireworks without permission of Town	\$150.00
16.4	Burning recreation fire when fire ban is in place	\$200.00
20.1 i)	Contravening a provision of this Bylaw (Where no other specific fine imposed)	\$200.00
20.1 ii), v), xvii)	Impeding, obstructing, hindering a member or officer; Providing false, incomplete, misleading information	\$200.00
20.1 iii)	Damage, destroy Fire Department equipment	\$400.00
20.1 iv)	Drive over Fire Department property	\$200.00
20.1 vi)	Falsely represent self as a member of Fire Department	\$300.00
20.1 vii)	Obstruct access	\$200.00
20.1 viii)	Lighting an outdoor fire or structure fire in contravention of this Bylaw	\$200.00
20.1 x)	Failing to extinguish an illegal fire or reporting it immediately to the Fire Department	\$150.00
20.1 xi), xiv)	Allowing fire to become a running fire	\$300.00
20.1 xii)	Lighting a fire without taking sufficient precautions to ensure it can be kept under control at all times	\$150.00
20.1 xiii)	Lighting a fire when condition conducive to creating running fire	\$200.00
20.1 xv)	Depositing, discarding, leaving or burning matter or substance	\$100.00
20.1 xvi)	Any conduct involving fire that might reasonably cause a fire unless reasonable care to prevent fire is used	\$100.00
20.1 xviii)	Use a fire to burn material that will produce smoke or toxic materials	\$100.00
20.1 xix)	Impeding vehicular and pedestrian traffic by smoke	\$100.00
20.1 xx)	Lighting fire on town land	\$150.00



Town of Killam Bylaw 797C –

Schedule F

Fire Pit Permit

TOWN OF KILLAM

Fire Pit Permit

**Killam Fire Department**

**Fire Pit/Outdoor Fireplace/Stationary Barbecue  
Construction or Existing**

**Permit Application**

Building Owner:					Phone:		
Mailing Address:							
Street Address of property of installation:							
Legal Address:	Lot		Blk		Plan		
Existing or new construction:							
Type of Installation (Fire pit, outdoor fireplace, stationary barbecue)							
Describe location of installation (provide drawing & measurements)							
<p><i>Conditions: (i) all construction shall be in accordance with the provisions of all Provincial Acts and Regulations and any requirement of the Killam Fire Department. (Stationary gas fire barbecues, fire pits and fireplaces do not require the clearances prescribed in Section 3.4 (a) of this By-Law, but must be installed to the Natural Gas Installation Code CGA-B149.1-M86 or Propane Installation Code CGA-B149.2.M26)</i></p> <p><i>(ii) this Fire Permit may be suspended or cancelled at any time at the sole discretion of the Fire Chief.</i></p>							
Signature of Applicant:				Per: Killam Fire Dept.			
<b>APPROVED            OR            REFUSED</b>							
Date:							

**Permit Fee; \$10.00**

**\* Please include a proposed drawing on reverse**



*Killam*  
ALBERTA

Town of Killam Bylaw 797C –

Schedule G

Fire/Burning Permit

**TOWN OF KILLAM**

**Fire/Burning Permit**

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