

**SCHEDULE D**

**BYLAW NO. 871**

OF THE  
TOWN OF KILLAM  
IN THE PROVINCE OF ALBERTA

**A BYLAW OF THE TOWN OF KILLAM**, in the Province of Alberta (hereafter referred to as the "Municipality"), to provide for fire and emergency services within the Municipality;

**WHEREAS** the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, provide that a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, services provided by or on behalf of the municipality and the enforcement of bylaws;

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

**WHEREAS** the *Municipal Government Act* further provides that Council of a municipality may pass bylaws to govern the municipality in whatever way Council considers appropriate and provides Council with the authority to respond to the present and future issues in the municipality;

**WHEREAS** the *Explosives Act*, R.S.C. 1985, c. E-17 regulates the acquisition, possession, sale, storage and use of fireworks and its provisions, including s. 29, recognize that a municipality may pass a bylaw related to fireworks;

**WHEREAS** the Municipality desires to provide for the prevention, regulation and control of fires and fireworks;

**WHEREAS** the Municipality has entered into an agreement with other municipalities to create the Flagstaff Regional Emergency Services Society to provide regional fire and emergency services to the Municipality;

**WHEREAS** the Council of the Municipality wishes to enact a Bylaw for the provision of fire and emergency services within the Municipality and to provide for efficient operation of such fire and emergency services;

**NOW THEREFORE**, Council of the Municipality, in the Province of Alberta, duly assembled, does hereby enact as follows:

## **NAME OF BYLAW**

1. This Bylaw may be cited as the "Fire Bylaw".

## **INTERPRETATION**

2. Where there is a conflict between this Bylaw and any other bylaw of the Municipality, the provisions of this Bylaw shall prevail.
3. In this Bylaw wherever the singular is used it also means the plural and wherever the masculine is used it also means the feminine, as the context requires.
4. Where two or more provisions of this Bylaw are at variance, the stricter provision shall prevail.

## **DEFINITIONS**

5. In this Bylaw words and phrases shall be construed as specified hereunder:
  - a. "Acceptable Fire Pit" means an outdoor receptacle which meets the following specifications:
    - i. a minimum of three (3) meters clearance, measured from the nearest fire pit edge, which is maintained from buildings, property lines, or other combustible material;
    - ii. the fire pit height does not exceed .60 meter when measured from the surrounding grade to the top of the pit opening;
    - iii. the fire pit opening does not exceed 1 meter in width or in diameter when measured from the widest points or outside edges;
    - iv. the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal or other non-combustible materials acceptable to the Regional Manager/Fire Chief;
    - v. a spark arrester mesh screen with openings no larger than 1.25 centimeters and constructed of expanded or equivalent non-combustible material, which is used to cover the fire pit opening in a manner sufficient to contain and reduce hazards of airborne sparks;
    - vi. the fire pit is not located over any underground utilities or under any aboveground utility wires;

- vii. the fire pit is not located in the front yard of a residence; and
  - viii. as may otherwise be determined by the Regional Manager/Fire Chief having regard to health, safety, hazards and risk.
- b. “Acceptable Fireplace” means an outdoor receptacle which meets the following specifications:
- i. A minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings;
  - ii. the fireplace is constructed of materials such as bricks, rocks or other materials which are heat and flame resistant;
  - iii. the fireplace is equipped with a chimney which is not less than 2.5 meters in height when measured from the base of the fire burning area;
  - iv. the fireplace chimney is equipped with a regulation screen designed to contain and reduce hazards of airborne sparks;
  - v. the base of the fire burning area is not less than .30 meters above the surrounding grade;
  - vi. the fire chamber does not exceed 1.25 meters in width, and is at least .40 meters but not more than .60 meters in depth; and
  - vii. as may otherwise be determined by the Regional Manager/Fire Chief having regard to health, safety, hazards and risk.
- c. “Acceptable Portable Fire Receptacle” means a commercially manufactured outdoor portable fire receptacle which is completely enclosed with wire mesh.
- d. “Burnable Debris” means those materials permitted to be burned in accordance with statutes and bylaws which protect and enhance the environment, and includes, but is not limited to, the materials described as:
- i. straw and stubble;
  - ii. grass and weeds;
  - iii. leaves and tree pruning’s;
  - iv. brush and fallen trees on newly cleared land or associated logging operations;

- v. used power, telephone or other poles which do not contain preservatives;
  - vi. wood materials from the construction or demolition of buildings which do not contain preservatives;
  - vii. solid waste from sawmills or planing mills with an annual production of less than 6,500 cubic meters of lumber;
  - viii. solid waste from post and pole operations which do not contain wood preservatives;
  - ix. solid waste from tree harvesting operations; and
  - x. anything else approved by the Regional Manager/Fire Chief having regard to health, safety, hazards and risk.
- e. "CAO" is the Chief Administrative Officer of the Municipality and includes any person appointed to act as his/her designate.
  - f. "Consumer Fireworks" means Fireworks for outdoor, low-hazard recreational fireworks, including showers, fountains, golden rain, Roman candles, volcanos, snakes and sparklers.
  - g. "Council" means the elected Council of the Municipality, including the Chief Elected Official and Councillors.
  - h. "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, handling, storage or transportation environment and includes combustible substances and those products, substances and organisms covered by any applicable legislation.
  - i. "Display Fireworks" means Fireworks for high hazard recreational fireworks, including aerial shells, cakes, mines larger Roman candles, lances, waterfalls and wheels, which are designed for use at public gatherings.
  - j. "Emergency" means an event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health, or welfare of people or to limit damage to property or the environment.
  - k. "Equipment" includes any machinery, tools, devices, instruments, apparatus, mechanism, structure, contrivance, vehicles and materials used by the Regional Fire Services to respond to an Incident and includes a fire truck, pumper truck, rescue vehicle, brush truck, tanker,

mobile command unit, dangerous goods unit, emergency conveyance vehicle, Peace Officer vehicle and any other equipment or vehicles designated by the Regional Manager/Fire Chief.

- I. "False Alarm" means any fire alarm which is set off where no Fire exists and which the Regional Fire Services responds to, and includes circumstances where the fire alarm has been activated as a result of:
  - (i) mechanical failure, malfunction or faulty equipment, or
  - (ii) inadvertence, mistake omission or negligence.
- m. "Fire and Emergency Services" means all services, activities and works related to Fire Services and Emergencies.
- n. "Fire Ban" or "fire ban" means an Alberta Provincial Government prohibition on fires, or a prohibition on fires approved by the Regional Manager/Fire Chief.
- o. "Fire Permit" means a permit issued by an individual authorized to do so in this Bylaw which authorizes the setting of a specific type of fire.
- p. "Fire Services" includes services related to the suppression or prevention of fires, fire safety, controlling and extinguishing fires, education, training, development and communication, inspections, rescue, emergency services related to fires, prevention of or response to fire or other emergency incidents, activities of firefighters and entities or others who direct or provide such services and activities, and any other work, duties or otherwise related to or incidental to providing services related to fires, and includes work or services using firefighters in an employment relationship, dependent contractor firefighters, volunteer firefighters, independent contractor firefighters, utilizing, repairing and maintaining firefighting equipment and facilities, fire stations and anything related to them, and Equipment, property and anything used for the foregoing, and the delivery and provision of such services.
- q. "Fireworks" means the pyrotechnics classified as fireworks in the *Explosives Act*, R.S.C. 1985, c. E-17 and Regulations thereunder and in the *National Fire Code 2019 Alberta Edition* published by the National Research Council of Canada, as amended or replaced [as adopted in the *Fire Code Regulation*, Alta. Regulation 32/2015 under the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended], and as may otherwise be defined in applicable Alberta and Canada fireworks legislation and National Fire Code Manuals published by the National Research Council, and includes Consumer Fireworks, Display Fireworks and Special Effect Pyrotechnics.

- r. “Fireworks Permit” means a permit required to display or sell fireworks within the Municipality and includes a permit for Consumer Fireworks, Display Fireworks or Special Effect Pyrotechnics.
- s. “FRESS” means the Flagstaff Regional Emergency Services Society, a not-for-profit entity, established for the purpose of providing Regional Fire Services.
- t. “Highway” has the definition provided in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, and Regulations thereunder, as amended.
- u. “Incident” means a fire or Emergency, and includes a situation or event where a fire, explosion or emergency is imminent or any other situation presenting a danger or perceived danger to life, health or property and to which the Regional Fire Services responds, and any event related to Fire and Emergency Services which is responded to by the Regional Fire Services.
- v. “Incident Commander” means the person at an Incident who is responsible for the supervision and direction of Fire and Emergency Services and the actions and resources at the Incident.
- w. “Incinerator Fire” means a fire which is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with heavy gauge metal screen having a mesh size not larger than 13 millimeters and which is ventilated in such a manner as to preclude the escape of combustible materials which include ashes, where the fire is set for burning refuse, excepting plastic products and is licensed by the Government of Alberta.
- x. “Light”, “light” or “lit” includes to start, ignite, kindle, stoke, maintain or do any other action which allows a fire to burn, progress or continue to burn.
- y. “Member” means any person, worker, contractor or dependent contractor appointed or engaged by the Regional Fire Services and any Peace Officer dispatched to assist at the mitigation of an Incident or any person asked or conscripted to assist with the mitigation of an Incident.
- z. “Municipal Government Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and Regulations thereunder, as amended.
- aa. “Municipality” means Town of Killam;
- bb. “Open Fire” means any fire which is not an acceptable Incinerator Fire, Acceptable Fire Pit fire, Acceptable Portable Fire Receptacle fire or Public Park Site Fire, and without limiting the generality of the foregoing, may include grass fires, forest and brush fires, Running Fires, building fires, wood scrap fires, ground thawing fires and chattel fires.

- cc. "Owner" means the person who is registered under the *Land Titles Act*, R.S.A. 2000, c. L-4, as the owner of the fee simple estate in the land, and in respect of any property other than land, the person in lawful possession of it.
- dd. "Peace Officer" includes a police officer, community peace officer, bailiff, constable, RCMP officer, bylaw officer or other person engaged for the preservation and maintenance of the public peace.
- ee. "Permit" means an authorization issued by the Regional Fire Services which gives permission to engage in an otherwise prohibited activity and includes a Fire Permit, Fireworks Permit or any other permit required or deemed necessary by the Regional Fire Services.
- ff. "Person" or "person" means a human being, firm, partnership, association, entity, organization, company, corporation, trustee, executor, administrator, personal representative or other legal representative.
- gg. "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, and Regulations thereunder, as amended.
- hh. "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food outside.
- ii. "Prohibited Debris" means any material when burned will result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants in accordance with Alberta statutes and bylaws of the Municipality which protect and enhance the environment, including the *Environmental Protection and Enhancement Act*, R.S.A. 2000, and includes, but is not limited to, the following materials:
- i. animal waste;
  - ii. chemicals and chemical containers;
  - iii. combustible material in vehicle bodies;
  - iv. waste material from building or construction sites, excluding wooden materials which do not contain wood preservatives;
  - v. non-wooden materials;
  - vi. paints and painting materials;
  - vii. pathological waste;

- viii. rubber or plastic, or anything containing or coated with rubber or plastic or other similar substances, excluding rubber or plastic which is attached to shredded scrap metal;
  - ix. tires;
  - x. used oil;
  - xi. wood or wood products containing substances for the purposes of preserving wood; or
  - xii. anything else as determined by the Regional Manager/Fire Chief having regard to health, safety, hazards and risk.
- jj. “Public Park Site Fire” means a fire on land owned, leased or otherwise controlled by the Municipality or its agents for recreational purposes and is confined to a non-combustible container supplied by the Municipality, as approved by the Regional Fire Services, or a Portable Appliance, which is used for the purposes of cooking food, obtaining warmth or viewing for pleasure, and such fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane.
- kk. “Regional Fire Services” means the Fire and Emergency Services provided by FRESS for, on behalf of and to, the Municipality.
- ll. “Regional Manager/Fire Chief” means the Manager/Fire Chief selected by the Board of Directors of FRESS, who is employed by FRESS, his/her designate and any Acting or Interim Regional Manager/Fire Chief.
- mm. “Running Fire” means a fire burning without being under the proper control of any person.
- nn. “Shall” has the same meaning as must or will.
- oo. “Special Effect Pyrotechnics” means high hazard fireworks designed for professional use, including gerbs, mines, comets, crossettes and special purpose pyrotechnics made for live stage performances, television or movies.
- pp. “Vehicle” means any device in, upon, or by, which a person or thing may be transported or drawn upon land, water, or in the air.
- qq. “Violation Tag” means a tag or other similar document issued by the Municipality, or on its behalf, pursuant to the provisions of the *Municipal Government Act*.

## **FIRE PROTECTION**

6. Council hereby authorizes the Municipality to be part of the Regional Fire Services, enter into any contracts related to Regional Fire Services and for FRESS to provide Fire and Emergency Services within the Municipality for purposes which include, but are not limited to, the following:
  - a. Preventing and extinguishing fires;
  - b. Responding to Incidents;
  - c. Investigating the cause and origin of Incidents;
  - d. Preserving life and property and protecting persons and property from injury or destruction due to Incidents;
  - e. Operating Equipment for the purposes set out in this Bylaw;
  - f. Providing public education about fire safety and Incident prevention and response;
  - g. Carrying out preventable patrols, Pre-Incident and Post-Incident planning;
  - h. Entering into agreements with other municipalities or persons for the joint use, control and management of Fire and Emergency Services Equipment;
  - i. Purchasing and operating Equipment for the Fire and Emergency Services;
  - j. Carrying out patrols and inspections for the Fire and Emergency Services;
  - k. Planning for Emergencies and prevention of Emergencies;
  - l. Activities related to Dangerous Goods;
  - m. Activities related to Fire and Emergency Services;
  - n. Enforcing the provisions of the *Safety Codes Act*, R.S.A. 2000, c. S-1, and Regulations thereunder, as amended;
  - o. Issuing Permits;
  - p. Enforcing the provisions of this Bylaw and applicable legislation.

7. At all times, FRESS is responsible for providing the Fire and Emergency Services to the Municipality. FRESS is the agent of the Municipality for providing the Fire and Emergency Services.
8. Fire and Emergency Services shall be provided to the Municipality according to the level of service adopted by the Board of Directors of FRESS, which shall not be inconsistent with the applicable legislation and regulations in the Province of Alberta.
9. Members are engaged by FRESS to provide the Fire and Emergency Services and to respond to Incidents.

#### **REGIONAL MANAGER/FIRE CHIEF**

10. The Regional Manager/Fire Chief shall be appointed by, be responsible to, and report to the Board of Directors of FRESS.
11. The Regional Manager/Fire Chief is the administrative head having responsibility and authority over the Regional Fire Services and shall develop standard operating guidelines and procedures, and provide policy and other recommendations to the Board of Directors of FRESS for the operation of the Regional Fire Services.
12. The Regional Manager/Fire Chief is authorized to delegate, and to authorize further delegations of, any powers, duties and functions delegated to the Regional Manager/Fire Chief by Council under this Bylaw.
13. In the absence of the Regional Manager/Fire Chief, or at any time for convenience, the CAO may perform any of the duties and responsibilities of the Regional Manager/Fire Chief in this Bylaw, and is authorized to further delegate them to others as may be deemed necessary or convenient. At any time, the CAO and the Regional Manager/Fire Chief may concurrently or jointly perform any of the duties and responsibilities of the Regional Manager/Fire Chief in this Bylaw.

#### **POWERS OF REGIONAL MANAGER/FIRE CHIEF AND INCIDENT COMMANDER**

14. The Regional Manager/Fire Chief or Incident Commander is empowered and authorized to do all things necessary for the Fire and Emergency Services, including, but not limited to, the following:
  - a. Cause a building, structure, or thing to be pulled down, demolished, or otherwise removed when deemed necessary to prevent the spread of fire to other buildings, structures, or things.
  - b. Enter premises or property where the Incident occurred and to cause any Member, Incident Commander or Equipment of the Regional Fire

Services to enter, as deemed necessary, in order to combat, control or mitigate the Incident.

- c. Establish boundaries or limits at his/her discretion for an Incident and restrict persons from entering or remaining within the prescribed boundaries or limits unless authorized to enter or remain by the Incident Commander in charge or the Regional Manager/Fire Chief.
  - d. Call upon Peace Officers, at his/her discretion, to enforce restrictions of persons entering within the boundaries of an Incident.
  - e. Enter, pass through or over buildings or property adjacent to an Incident and to cause Members to enter or pass over or through buildings or property, where it is necessary to gain access to the Incident or to protect any persons or property.
  - f. Obtain assistance from other officials of the Municipality as deemed necessary in order to discharge his/her duties and responsibilities under this Bylaw and such assistance shall be provided.
  - g. The Regional Manager/Fire Chief or an Incident Commander is empowered to commandeer privately owned Equipment and operators as considered necessary to deal with an Incident, and to authorize payment for that Equipment and operators at rates not to exceed those established by the Alberta Road Builders and Heavy Construction Association Equipment Rental Rates Guide, or such other guidelines as FRESS may establish from time to time.
15. Without restricting any duties, functions or powers of the Regional Manager/Fire Chief in this Bylaw or in accordance with applicable laws, the Regional Manager/Fire Chief may from time to time:
- a. carry out any inspections to determine compliance with this Bylaw;
  - b. establish investigation and enforcement procedures related to residential, commercial, industrial or other types of property where such procedures may differ depending on the type of property;
  - c. establish forms for the purposes of this Bylaw and amend them;
  - d. take any steps or carry out any actions to enforce this Bylaw or to remedy any contravention of it;
  - e. establish areas where activities in this Bylaw are restricted;
  - f. issue Permits with any terms and conditions which are deemed appropriate and establish any criteria to be met for Permits including the

nature of the Permit, prevailing circumstances, location and environmental conditions;

- g. suspend or cancel a Permit at any time, and upon being advised of the suspension or cancellation, the person(s) notified of the suspension or cancellation shall immediately comply with the suspension or cancellation;
  - h. investigate the cause, origin and circumstances of any fire or Emergency according to the provisions of this Bylaw and policies of FRESS;
  - i. do anything else which is permitted by law; and
  - j. designate when a fire ban or fire advisory is in effect.
16. The Regional Manager/Fire Chief is a designated officer under s. 210 of the *Municipal Government Act*.
17. The Regional Manager/Fire Chief is designated a Bylaw Enforcement Officer under section 555 of the *Municipal Government Act* and may enforce the provisions of this Bylaw.
18. Upon approval of the Board of Directors of FRESS, the Regional Manager/Fire Chief may negotiate agreements with the Government of Alberta and other municipalities or persons for establishing mutual aid agreements and fire and emergency control agreements, and any amendments thereto.
19. The Regional Manager/Fire Chief may prescribe rules, regulations and policies related to the ongoing organization, administration and day to day operations for the Regional Fire Services.

## **FIRE HAZARDS**

20. No person shall cause or allow conditions which constitute a fire hazard on lands owned or occupied by the person. Fire hazards which pose imminent danger are to be reported to FRESS.

## **PERMITTED AND PROHIBITED FIRES**

21. No person shall cause or allow the burning of any Prohibited Debris within the Municipality.
22. A person who builds or lights a fire within the Municipality must ensure it is supervised at all times.
23. No person shall cause or allow the lighting of any fire such that smoke emitted from that fire impairs visibility on a Highway in the Municipality.

24. No person shall light an outdoor fire, or cause or allow to be lit any outdoor fire upon land owned, occupied or under the control of that person, unless a valid Fire Permit has been issued or the fire is specifically exempted from the requirement for a Fire Permit pursuant to this Bylaw.
25. No person shall permit an Open Fire or any other fire upon land owned, occupied or under his/her control within the Municipality unless a Fire Permit has been obtained from FRESS, the provisions set out in the Fire Permit are complied with, and only Burnable Debris is burned. Notwithstanding the foregoing, a Fire Permit shall not be required under this Bylaw for:
- a. an outdoor fire lit by the Regional Fire Services for training or preventative control purposes;
  - b. the cooking of food using a Portable Appliance;
  - c. recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Portable Fire Receptacles and Acceptable Fireplaces, provided:
    - i. only clean fuel is used such as natural gas, dry wood or charcoal in amounts which are contained within the Acceptable Fire Pit, Acceptable Portable Fire Receptacle or Acceptable Fireplace below the mesh screen;
    - ii. the Acceptable Fire Pit, Acceptable Portable Fire Receptacle or Acceptable Fireplace must not be used to burn Prohibited Debris;
    - iii. a means, acceptable to FRESS, of controlling or extinguishing the fire is available on the property and within a reasonable distance from the fire; and
    - iv. a responsible adult is present on the property when the fire is burning.
  - d. burning in fireplaces in or attached to dwellings as permitted by applicable legislation;
  - e. a Public Park Site Fire;
  - f. burning an Incinerator Fire for which a permit to construct and license to operate has been issued pursuant to applicable legislation; or
  - g. a fire in an outdoor receptacle which meets specifications and criteria established by the Regional Manager/Fire Chief from time to time, provided the fire is kept under control and is supervised at all times by

a responsible adult person until such time as that fire has been completely extinguished.

## **FIREWORKS**

26. Toy cap guns are not governed by this Bylaw.
27. The manufacturer's specifications for the use of Fireworks is to be followed by a person possessing or using Fireworks.
28. Fireworks are to be used safely. Fireworks are not to be discharged, fired or set-off when the wind exceeds 50 kilometers per hour, when there is a fire ban, fire advisory or weather conditions create an undue fire hazard.
29. No person shall discharge, fire or set-off Fireworks in a place or manner which creates a danger to any person or property.
30. Without the prior written authorization of the Regional Manager/Fire Chief, Fireworks are not to be discharged, set-off or released on a Highway, road allowance, public beach or at a public park.
31. Fireworks are not to be discharged, fired or set-off in a building, unless the manufacturer has specifically designed them for such use and acceptable safety and mitigation precautions are taken so as not to harm persons or property.
32. No person shall discharge, fire or set-off Fireworks within ten (10) metres from the outside of a building, tent, trailer, Vehicle, off highway vehicle or canvas or other shelter.
33. Fireworks must be stored away from flammable substances and sources of ignition and be stored in a manner which protects them from theft.
34. Fireworks must only be discharged, fired or set-off within a safe distance from Dangerous Goods, as determined by the Regional Manager/Fire Chief.
35. No person is to smoke cigarettes or other substances within eight (8) metres of Fireworks.
36. A person who is at least eighteen (18) years of age may use Fireworks. A person who is under eighteen (18) years of age may use Fireworks if he/she is supervised by a person who is at least eighteen (18) years of age.
37. No person shall sell, purchase, possess, handle, discharge, light or set off Fireworks within the Municipality, unless the person has a valid Fireworks Permit.

38. Anyone failing to comply with the provisions of this this Bylaw related to Fireworks is guilty of an offence.
39. When Fireworks are discharged, fired or set-off which causes a fire, the person causing the fire is responsible for all costs incurred in extinguishing or fighting the fire.

## **PERMITS**

40. Permits are required throughout the year.
41. A person wishing to obtain a Permit, must apply to FRESS during the regular business hours of FRESS.
42. Each application for a Permit must be in the form and manner required by FRESS with information as may be required by FRESS. A Permit may be issued in writing or by electronic means.
43. Upon receipt of an application for a Permit, FRESS shall consider the application, and may, pursuant to the provisions of this Bylaw, the Alberta Fire Code and any other applicable legislation:
- a. refuse to grant the Permit;
  - b. grant a Permit with or without terms and conditions as is deemed appropriate in the circumstances; or
  - c. determine that a Permit is not required.
44. Notwithstanding the foregoing, if a fire pit is not an Acceptable Fire Pit or if a fireplace is not an Acceptable Fireplace, FRESS may issue a Permit when it is satisfied the non-conforming fire pit or fireplace meets acceptable health and safety standards and does not pose an unacceptable hazard or risk.
45. Permits issued pursuant to this Bylaw are valid for such time as shall be determined by FRESS and the permit shall have endorsed thereon the period of time for which it is valid.
46. At any time in writing, FRESS may extend the period of time that a Permit is valid.
47. A Permit may be suspended or revoked at any time.
48. A Permit is not transferrable.

## **FIRE BANS**

49. The Regional Manager/Fire Chief may, from time to time, prohibit fires in all or a portion of the Municipality, whether requiring a Permit or not, when in the

opinion of the Regional Manager/Fire Chief there are prevailing circumstances or environmental conditions which warrant the prohibition.

50. A fire ban imposed pursuant to this part shall remain in force until either the later of the date provided in the notice of the fire ban or such time as the Regional Manager/Fire Chief provides notice to the public that the fire ban is no longer in effect.
51. Notice of a fire ban shall be provided to the public by any means which the Regional Manager/Fire Chief determines is appropriate for the purpose of informing the public of the fire ban.
52. No person shall light an outdoor fire, or cause or allow to be lit any outdoor fire upon land owned, occupied or under the control of that person, in contravention of a fire ban imposed pursuant to this Bylaw.
53. Fire Permits are suspended when there is a Fire Ban.
54. All parts of Fireworks Permits which permit the discharging, firing or setting-off of Fireworks are suspended when there is a Fire Ban.
55. The operation of off highway vehicles may be prohibited during a Fire Ban.
56. Spark arresters may be required on Vehicles which enter high risk areas for fire when there is a Fire Ban.
57. The Regional Manager/Fire Chief is to advise the CAO after the fire ban has been implemented.
58. Anyone contravening a Fire Ban is guilty of an offence.
59. The Owner of a property is responsible for all costs incurred in extinguishing or fighting a fire on the property during the Fire Ban.

## **PROHIBITIONS**

60. No person shall:
  - a. Impede, obstruct, or otherwise hinder a Member of the Regional Fire Services, including the Regional Manager/Fire Chief or an Incident Commander, or any other person assisting or acting under the direction of the Regional Manager/Fire Chief or an Incident Commander;
  - b. Damage or destroy property or Equipment used for Fire and Emergency Services;
  - c. Impede, obstruct or otherwise hinder Fire and Emergency Services;

- d. Drive a Vehicle over any Fire and Emergency Services Equipment or property without permission of the Regional Manager/Fire Chief or Incident Commander;
- e. Obstruct a Member from carrying out duties imposed by this Bylaw;
- f. Falsely represent themselves as a Member, Incident Commander or the Regional Manager/Fire Chief, or wear or display a badge, cap, button, insignia, or other paraphernalia for the purposes of such misrepresentation; or
- g. Obstruct or otherwise interfere with access roads, streets or other approaches to any fire alarm, fire hydrant, cistern, or body of water designated for firefighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern, or other body of water designated for firefighting purposes.

## **NUISANCE**

61. Notwithstanding anything in this Bylaw, a person shall not cause a nuisance by using an Acceptable Fire Pit, Acceptable Portable Fire Receptacle, Acceptable Fireplace, burning Burnable Debris, using Dangerous Goods, discharging Fireworks, having an Incinerator Fire, having an Open Fire or using a Portable Appliance on land the person owns or occupies, or having a Public Park Site Fire, when there is a reasonable likelihood of disturbing the peace of any other individual. In determining if there is a nuisance reasonably likely to disturb the peace of any other individual, the following factors may be considered, including, but not limited to:

- a. hazards and the demonstrated impact on the health, well being and safety of others;
- b. the proximity to adjacent or affected properties;
- c. the prevailing weather and ambient conditions;
- d. the nature and intended use of the surrounding area;
- e. the affect on animals; and
- f. any other relevant factors.

62. By written notice from the Regional Manager/Fire Chief to the person who is causing or permitting the foregoing nuisance, such person may be restricted from causing or permitting the nuisance. The written notice from the Regional Manager/Fire Chief may direct the person to:

- i. limit the duration or frequency of the activity;

- ii. allow the activity to occur at specified times;
  - iii. modify or relocate the activity;
  - iv. undertake any other action reasonably required to ensure the activity is not likely to disturb the peace of others.
- b. The person must not contravene the written notice from the Regional Manager/Fire Chief. Where the person fails to comply with the direction of the Regional Manager/Fire Chief, the person is liable for the expenses and costs related to extinguishing any fires caused by the nuisance.

### **REQUIREMENT TO REPORT**

63. The Owner, occupant, or person in control over any property in the Municipality damaged by fire shall immediately report to FRESS the particulars of the fire to the satisfaction of the Regional Manager/Fire Chief.
64. The Owner, occupant or his/her authorized agent, of any property containing Dangerous Goods, which sustains an accidental or unplanned release of the Dangerous Goods, shall immediately report to FRESS the particulars of the release to the satisfaction of the Regional Manager/Fire Chief.

### **INSPECTION AND ENFORCEMENT**

65. It is not a violation of this Bylaw when FRESS has approved anything in writing, provided the terms and the conditions of the approval are complied with.
66. Where a parcel of land does not comply with this Bylaw or a person contravenes this Bylaw, the Municipality may pursue its enforcement alternatives in accordance with this Bylaw, any enactment or any common law right, including issuing an order to remedy contraventions or dangers, remedying contraventions or dangers by the Municipality, adding amounts to the tax roll of the owner of the parcel, and pursuing injunctions pursuant to the *Municipal Government Act*.
67. The Regional Manager/Fire Chief is appointed as a designated officer of the Municipality for the purposes of enforcement of this Bylaw, and is authorized to carry out inspections of lands and structures, remedy conditions and contraventions, and enforce this Bylaw in accordance with the *Municipal Government Act*, including sections 542 and 545, and other applicable legislation.

## FEES & RECOVERY OF COSTS

68. The schedule of fees and charges which may be charged by FRESS for services rendered pursuant to this Bylaw are set out in Schedule "A".
69. Until December 31, 2026, the fees and charges in Schedule "A" may be increased by the Regional Manager/Fire Chief once in each calendar year in an amount up to twenty percent (20%). For increases in the fees and charges in Schedule "A" in a greater amount than the foregoing or after December 31, 2026, approval by resolution of the Board of Directors of FRESS, and approval by Council of the Municipality by resolution or by a bylaw amending the fees and charges in Schedule "A", is required.
70. From time to time, the Regional Manager/Fire Chief or CAO may establish fees based on a cost recovery basis for all consumable materials used by FRESS for services provided.
71. Fees and costs are subject to interest rates established by the Municipality from time to time.
72. The fees in Schedule "A" may be payable to FRESS when FRESS has taken any action whatsoever for the purpose of the Fire and Emergency Services, including for site inspections for regulated occupancies or other site inspections, requested site inspections, required fire investigations, business inspections, file research, report copies, photographs and duplicates of photographs, copies, permits for flammable or combustible fuel tank installation, permits for flammable or combustible fuel tank removal, or a Permit.
73. Where FRESS has taken any action whatsoever for the purpose of extinguishing a fire, responding to an Incident or when Fire and Emergency Services are provided to a person, including a False Alarm, the Municipality may, in respect of any costs incurred by FRESS, charge any costs so incurred to:
- a. the person who caused the Incident;
  - b. the person responsible for a contravention of this Bylaw, or
  - c. the Owner of the property or the person in possession and control of the property where the Incident occurred;

or may add the expenses and costs relating to responding to the Incident or providing the Fire and Emergency Services to the parcel of land to the tax roll for the parcel of land in accordance with s. 553(1)(g) of the *Municipal Government Act*.

74. In addition to any other penalty imposed in this Bylaw, when a person who has damaged or destroyed Equipment, the person shall be liable for all costs incurred by the Municipality to repair or replace the Equipment and shall pay the amount upon demand.
75. The fees and charges for providing Fire and Emergency Services rendered to an Owner or occupant of property shall be determined by the Regional Manager/Fire Chief or the CAO. In the event the Owner or occupant feels aggrieved by such fees and charges, he/she will have thirty (30) calendar days from the date of mailing of the notice of the fees and charges to him/her to provide a notice in writing to the Board of Directors of FRESS appealing the fees and charges. The Board of Directors may determine the process and procedures for the appeal and may proceed with the appeal on the basis of written submissions. The Board of Directors may summarily dismiss the appeal when it is trivial, frivolous, vexatious or without merit. The decision of the Board of Directors is final and binding on the Owner or occupant of the property.

#### **DISCRETION**

76. The Municipality and FRESS have the discretion to enforce this Bylaw, or parts thereof, and are not liable for any outcomes if this Bylaw, or parts thereof, are not enforced, when acting in good faith.
77. The Municipality, FRESS and anyone acting on their behalf, are not required to take any action whatsoever when the matter is trivial, frivolous, vexations or without merit.

#### **OFFENCES**

78. Any person who lights, fuels, supervises, maintains, causes or permits an Open Fire, Incinerator Fire or uses, discharges or sets-off Fireworks within the Municipality, without a valid permit as required by this Bylaw, is guilty of an offense.
79. Except for authorized fires, when a fire is lit without the appropriate Permit, the owner or occupier of the land or the person having control of the land where such fire is shall extinguish the fire immediately, or where the fire cannot be extinguished immediately, report the fire to FRESS, and failing to do so is an offence.
80. No person shall directly or indirectly, personally or through an agent, entity, worker, representative or otherwise, cause a fire, whether a Permit was obtained for the fire or whether the fire did not require a Permit, and let it become a Running Fire on any land including his/her own property or allow a Running Fire to pass from his/her property or property under his/her direction and control, to the property of another, and doing so is an offence.

81. The following are prohibited and are offences in this Bylaw:

- a. The lighting of an Open Fire, Incinerator Fire, Acceptable Fire Place fire, Acceptable Portable Fire Receptacle or Acceptable Fire Pit fire or Public Park Site Fire without taking satisfactory precaution to ensure the fire can be kept under control at all times.
- b. The lighting of an Open Fire, Incinerator Fire, Acceptable Fire Place fire, Acceptable Portable Fire Receptacle, Acceptable Fire Pit, Public Park Site Fire or discharging, firing or setting-off Fireworks when the weather conditions may create a Running Fire or when FRESS or another authorized agency declares a fire ban.
- c. Burning garbage, leaves, straw, painted wood, treated construction materials and items containing rubber, plastic, tar or other materials deemed for disposal, in an Acceptable Fire Place, Acceptable Portable Fire Receptacle or Acceptable Fire Pit or Public Park Site Fire.
- d. Failing to take reasonable steps to control a fire to prevent it from becoming a Running Fire and spreading onto land other than their own.
- e. Depositing, discarding or leaving any burning substance or matter where it can ignite other material and cause a fire.
- f. Conducting any activity which involves the use of fire or which creates potential sources of fire ignition, which may reasonably be expected to cause an Open Fire, unless reasonable care to prevent such fire from occurring have been taken.
- g. Providing false, incomplete or misleading information with respect to an application for a Permit.
- h. Interfering with persons authorized by this Bylaw to respond to Incidents, provide Fire and Emergency Services, or extinguish fires or preserve life or property, or engaging in activities which impede or obstruct anyone performing duties or obligations in this Bylaw.
- i. Interfering with the operation of Equipment required to respond to an Incident, provide Fire and Emergency Services, or extinguish fires or preserve life or property.
- j. Damaging or destroying any FRESS property.
- k. Falsely representing himself/herself as a Member of the Regional Fire Services, Incident Commander or Regional Manager/Fire Chief, or wearing or displaying any uniform, badge, cap, button, insignia or other paraphernalia for the purpose of false representation.

- l. Using fire to burn or destroy Prohibited Debris, except as may be approved in writing by FRESS.
  - m. Lighting a fire contrary to this Bylaw, failing to extinguish a fire when it is contrary to this Bylaw or after lighting a fire allowing it to become a Running Fire.
  - n. Using Fireworks contrary to this Bylaw.
  - o. Failing to have a valid Permit as required in this Bylaw.
  - p. Failing to comply with a Fire Ban.
  - q. Failing to remedy a nuisance for acts, omissions or non-compliance with the provisions in this Bylaw.
  - r. Failing to comply with an order issued under this Bylaw.
  - s. Failing to comply with obligations in this Bylaw or non-compliance with the prohibitions in this Bylaw.
82. Nothing in this Bylaw shall be interpreted to authorize any fire, burning or other act which is in contravention of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, and Regulations thereunder, as amended.

## **ENFORCEMENT & PENALTIES**

83. Members, Incident Commanders, the Regional Manager/Fire Chief, the CAO and others are authorized to provide services and perform duties in accordance with this Bylaw, applicable legislation and in the event of an Emergency, may enter onto a premises or property, and make such inquiries or demands as may be necessary for such purposes.
84. Any person is guilty of an offence and liable for penalty of not less than two-hundred dollars (\$200) and not more than five-thousand dollars (\$5,000) when the person:
- a. contravenes any of the provisions of this Bylaw;
  - b. suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw; or
  - c. refrains from doing anything required to be done by any provision of this Bylaw.

85. The Regional Manager/Fire Chief or a Peace Officer is authorized to issue a Violation Tag to any person who he/she believes on reasonable and probable grounds has contravened any provision of this Bylaw.
- a. A Violation Tag may be issued personally or by mailing a copy to the person at his/her last known mailing address, or as may otherwise be permitted by the *Provincial Offences Procedures Act*.
86. The Violation Tag shall be in the form approved by the Municipality and FRESS and shall state:
- a. the name of the person;
  - b. the nature of the offence;
  - c. the amount of the penalty for the offence;
  - d. any other information as may be required;
  - e. the penalty is to be paid within thirty (30) calendar days of the issuance of the Violation Tag; and
  - f. any other requirements under the Provincial Offences Procedure Act.
87. When a Violation Tag is issued according to this Bylaw, the person, corporation or other entity to whom the Violation Tag is issued may in lieu of being prosecuted for the offence, pay the Municipality the penalty specified in the Violation Tag by cash, cheque or electronic funds transfer.
88. The offences under this Bylaw for which a voluntary specified penalty may be paid are set out in Schedule "B". The specific amount of the penalty payable is as stated therein.
89. If the penalty specified in the Violation Tag is not paid within the prescribed time period, the Regional Manager/Fire Chief or a Peace Officer is authorized and empowered to take proceedings pursuant to the applicable provisions of the *Provincial Offences Procedures Act*.
90. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Regional Manager/Fire Chief or a Peace Officer, but no more than one Violation Tag is to be issued for each calendar day for each offence that the contravention continues, and each calendar day constitutes a new and separate additional offence.
91. Nothing in this Bylaw shall prevent the Regional Manager/Fire Chief or a Peace Officer from immediately issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*, including a summons ticket for a mandatory court appearance, when the Regional Manager/Fire Chief or

Peace Officer has reasonable and probable grounds to believe the person has contravened any provision of this Bylaw.

92. Any penalty or fine imposed pursuant to this Bylaw ensures to the benefit of the Municipality.

### **VICARIOUS LIABILITY**

93. An act or omission by an employee or agent of a Person is deemed to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising powers or performing duties on behalf of the Person under the agency relationship.

### **CORPORATIONS & PARTNERSHIPS**

94. When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission which constitutes the offence or assented to or acquiesced or participated in the act or omission which constituted the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

95. If a partner in a partnership is guilty of an offence in this Bylaw, each partner in the partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission which constitutes the offence is guilty of the offence.

### **COMPLIANCE ORDER**

96. When the Regional Manager/Fire Chief believes on reasonable grounds a person has, or is, contravening any provision of this Bylaw, by written order served on the person responsible for the contravention, the Regional Manager/Fire Chief may require the person to remedy the contravention. The order of the Regional Manager/Fire Chief may direct the person to:

- a. stop doing something or change the way the person is doing it;
- b. take measures or actions required to remedy the contravention or to prevent reoccurrence of the contravention;
- c. comply with the directions within a time specified;
- d. indicate the actions or measures which may be taken if the directions are not complied with.

97. The person who is served with the order from the Regional Manager/Fire Chief must comply with it.

## **INDEMNITY**

98. The Board of Directors of FRESS, the Regional Manager/Fire Chief, Incident Commander, any Member, any employee of FRESS, the CAO, delegated persons, Peace Officers and any person authorized to do anything in this Bylaw, who are acting in good faith and without malice in discharging their duties, are not personally liable for any damage which may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of those duties and FRESS and/or the Municipality shall defend any suit, action, claim or complaint commenced without cost to them.

## **PROOF OF PERMIT**

99. The onus of proving a Permit was issued under this Bylaw is on the person alleging the existence of the Permit, based on the balance of probabilities.

## **CERTIFIED RECORDS**

100. A copy of a record related to matters in this Bylaw which has been certified by the Regional Manager/Fire Chief or CAO as a true copy of the original shall be admitted into evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person who signed it.

## **CERTIFICATES**

101. A certificate which purports to be issued by the manufacturer or calibrator of a device used to verify, certify or declare the device's calibration or conformity with standards will be admitted into evidence as *prima facie* proof of the facts stated in the certificate.

## **SEVERABILITY**

102. All sections of this Bylaw are separate and severable. Should any section or part of this Bylaw be declared invalid by any competent court, then such section or part shall be regarded as severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

## **REPEAL AND COMING INTO FORCE**

103. Bylaw No. 797C is hereby repealed.

104. This Bylaw shall come into full force and effect on January 1, 2022.

READ A FIRST TIME THIS 16<sup>th</sup> DAY OF December, 2021.

READ A SECOND TIME THIS 16<sup>th</sup> DAY OF December, 2021.

READ A THIRD TIME THIS 16<sup>th</sup> DAY OF December, 2021.

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Chief Elected Official

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Chief Administrative Officer

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Date

**Schedule "A"**  
**Regional Fire Services Schedule of Fees**

The following fees and charges may be issued for responding to Incidents and providing Fire and Emergency Services:

**Response Fees**

1. Response fees may apply for the following types of responses:
  - a. vehicle fires or vehicle extrication;
  - b. grass fires on railway right-of-way;
  - c. grass fires in ditches or in the median on numbered highways;
  - d. any other response that may warrant a fee charge;
  - e. cancelled calls;
  - f. automatic alarms caused by alarm system malfunction;
  - g. standby for Dangerous Goods incidents and controlled burns;
  - h. Open Fires;
  - i. Fires caused by Fireworks;
  - j. The provision of any other Fire and Emergency Services.
  
2. Pumper Unit: As per the Alberta Transportation schedule of fees for on highway emergency response.
  
3. Tanker Unit: As per the Alberta Transportation schedule of fees for on highway emergency response.
  
4. Emergency Rescue Unit: As per the Alberta Transportation schedule of fees for on highway emergency response.
  
5. Rapid Response Unit: As per the Alberta Transportation schedule of fees for on highway emergency response.
  
6. Command Unit: As per the Alberta Transportation schedule of fees for on highway emergency response.
  
7. Other Equipment or Services: As per the Alberta Transportation schedule of fees for on highway emergency response.

8. Standby Fee: \$500.00/unit per day or part day plus Manpower.
9. Manpower Fee:
  - a. Full-Time Firefighter: \$45.00 per hour or part thereof;
  - b. Volunteer Firefighter: \$35.00 per hour or part thereof;
  - c. Officer Firefighter: \$50 per hour or part thereof;
  - d. Captain: \$65 per hour of part thereof;
  - e. Incident Commander: \$75 per hour or part thereof;
  - f. Peace Officer: \$100 per hour or part thereof;
  - g. Regional Manager/Fire Chief: \$125 per hour or part thereof.
  - h. Chief Administrative Officer: \$150 per hour or part thereof.
10. Costs for consumable materials for services provided as determined by the Regional Manager/Fire Chief or the Chief Administrative Officer.
11. Administration fee of ten percent (10%) of the total costs for the services provided.
12. GST (Goods and Services Taxes).

**Other Fees**

13. Other fees which may be charged include, but are not limited to, the following:
  - a. File search (fire inspections and investigations): \$75.00 per search.
  - b. Permits: \$100.00 per permit.
  - c. Copies of Permits: \$4.00 per copy.
  - d. Occupancy Load Certificates (licensed premises): \$75.00 per certificate.
  - e. Hydrant flow tests and related data: \$250.00 per hour.
  - f. Fire investigation services: \$75.00 per hour.
  - g. Investigation photos: \$5.00 per copy.
  - h. Air refills (breathing air): \$16.00 per 30-minute cylinder and \$40.00 per cascade cylinder.

- i. Above ground and underground tank removal and installation Inspections: \$100.00 per hour.
- j. Fire Inspections requested by owner or insurance company: \$100.00 per hour.
- k. Re-Inspection with outstanding Fire Code Violations: \$75.00 per visit.
- l. Any other matters related to services provided at cost, plus ten percent (10%).
- m. GST (Goods and Services Taxes).

**Schedule "B"  
Specified Penalties**

<b>Section</b>	<b>Charge</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Third Offence</b>
78	Light a Fire, discharge Fireworks, cause Open Fire, set off Fireworks without a permit	\$300	\$750	COURT
79	Failing to extinguish or report unauthorized fires	\$350	\$750	COURT
80	Running Fire	\$500	\$1,000	COURT
81(a)	Failing to take satisfactory precautions to control fire	\$500	\$1,000	COURT
81(b)	Lighting fire when weather conditions create Running Fire or when fire ban	\$ 500	\$1,000	COURT
81(c)	Burning unacceptable materials	\$ 200	\$500	COURT
81(d)	Allow fire to become Running Fire on land of others	\$ 500	\$ 1,000	COURT
81(e)	Letting substances cause a fire	\$300	\$ 1,000	COURT
81(f)	Causing Open Fire without reasonable care	\$500	\$1,000	COURT
81(g)	False or misleading information for Permit	\$ 500	\$1,000	COURT
81(h)	Interfering with or obstructing authorized persons providing Fire and Emergency Services	\$500	\$1,500	COURT

81(i)	Interfering with Equipment providing Fire and Emergency Services	\$500	\$1,000	COURT
81(j)	Damaging or destroying FRESS property	\$500	\$1,000	COURT
81(k)	Falsely representing as Regional Fire Services Personnel or wearing or displaying uniforms or insignia for false representation	\$1,000	\$2,000	COURT
81(l)	Burning Prohibited Debris	\$200	\$500	COURT
81(m)	Lighting fire contrary to Bylaw, fail to extinguish it	\$500	\$1,000	COURT
81(n)	Using Fireworks contrary to Bylaw	\$200	\$500	COURT
81(o)	No valid Permit	\$300	\$600	COURT
81(p)	Not comply Fire Ban	\$500	\$1,000	COURT
81(q)	Failing to remedy nuisance	\$200	\$400	COURT
81(r)	Failing to comply with order	\$350	\$700	COURT
81(s)	Failing to comply with obligations or non-compliance with prohibitions	\$400	\$800	COURT