

TOWN OF DRUMHELLER
BYLAW NUMBER #25.24
DEPARTMENT: EMERGENCY AND PROTECTIVE SERVICES

Fire Bylaw

A BYLAW FOR ESTABLISHING FIRE SERVICES, RECOVERING FIRE PROTECTION CHARGES,
AND PROVIDING A PERMITTING SYSTEM FOR FIRES AND FIREWORKS

WHEREAS; the *Municipal Government Act Municipal Government Act, R.S.A. 2000, c. M-26* hereinafter referred to as the *MGA* provides that a council may pass bylaws respecting:

- a) the safety, health and welfare of people and the protection of people and *property*;
- b) services provided by or on behalf of the municipality; and
- c) the enforcement of bylaws;

AND WHEREAS; the *MGA* further 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, and

AND WHEREAS; the *National Fire Code – Alberta Edition* contemplates that municipalities will regulate the use, sale and storage of *Fireworks* within their jurisdiction, and

AND WHEREAS; the Town of Drumheller wishes to provide for the prevention and control of fires within its boundaries;

NOW THEREFORE, the Town of Drumheller of the Province of Alberta, duly assembled, enacts as follows:

1. SHORT NAME

1.1 This Bylaw may be cited as the “Fire Bylaw.”

2. DEFINITIONS

2.1 For the purposes of this Bylaw, the following definitions shall apply:

- a) “*Acceptable Fire Pit*” means an outdoor receptacle that:
 - i. is fully enclosed on all sides and constructed entirely from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the *Fire Chief*;
 - ii. height does not exceed 60 centimeters when measured from the surrounding grade to the top of the pit covering;
 - iii. opening does not exceed one (1) metre in width or in diameter when measured between the widest points or outside edges;
 - iv. is set upon or built into the bare ground or on a non-combustible material such as brick, stone or concrete;
 - v. is not located over any underground utilities;

- vi. is a minimum of one (1) metre laterally and five (5) metres vertically from any aboveground wires;
 - vii. is a minimum of three (3) metres from any combustible structures, including fences or decks; and
 - viii. as may otherwise be determined by the *Fire Chief* having regard to health, safety, hazards, and risks.
- b) "*Acceptable Fireplace*" means an outdoor receptacle which meets the following specifications:
- i. A minimum of one (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 metres 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 0.30 metres above the surrounding grade;
 - vi. The fire chamber does not exceed 1.25 metres in width, and is at least 0.40 metres but not more than 0.60 metres in depth; and
 - vii. As may otherwise be determined by the *Fire Chief* having regard to health, safety, hazards and risk.
- c) "*Apparatus*" means any vehicle provided with machinery, devices, *equipment*, or materials for firefighting operated by or for *Fire Services* whether that vehicle operates on land, in the air, or on the water;
- d) "*Burning Hazard*" means an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or *property* or damage *property*;
- e) "*Bylaw Enforcement Officer*" means any regular *member* of the Royal Canadian Mounted Police, any *Peace Officer* or Municipal Enforcement Officer employed by the Town of Drumheller in accordance with the *Municipal Government Act*;
- f) "*Chief Administrative Officer*" or "CAO" means the individual appointed as *Chief Administrative Officer* of the *Town* by resolution of *Council* in accordance with *Municipal Government Act*, or their delegate;
- g) "*Council*" means the duly elected *Council* of the *Town*;
- h) "*Director of Emergency and Protective Services*" means *Director of Emergency and Protective Services* for the *Town*, or their delegate;

- i) "*Equipment*" means any tools, contrivances, devices, or materials used by *Fire Services* to combat an *incident* or other emergency;
- j) "*False Alarm*" means any notification, by whatever means received, to *Fire Services* respecting the existence of a condition, circumstance, fire or other event containing an imminent danger to *persons* or *property*, wherein such condition, circumstance, fire or other event does not, in fact, exist;
- k) "*Fire Advisory*" means a cautionary notice issued pursuant to this Bylaw by the *Town* to alert the public that conditions are such that there is an elevated risk of wildfires;
- l) "*Fire Ban*" means an order issued pursuant to this Bylaw by the *Town* for the purpose of cancelling all *fire permits*, prohibiting the lighting of, and requiring the extinguishment of all fires within the *Town*;
- m) "*Fire Chief*" means the individual appointed as head of *Fire Services*, or their delegate;
- n) "*Fire Hazard*" means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a *burning hazard*;
- o) "*Fire Permit*" means a permit issued by the *Town* authorizing the setting of a specific type of fire;
- p) "*Fire Protection*" includes any of the services in section 7 of this Bylaw and includes any other services delivered by or for *Fire Services* that is authorized by *Council*;
- q) "*Fire Protection Charges*" means all rates, fees, and charges payable for, or in connection with, *Fire Services* in providing *fire protection* within and outside the *Town's* boundaries as prescribed in Schedule "B";
- r) "*Fire Restriction*" means an order issued pursuant to this Bylaw by the *Town* for the purpose of fire prevention and cessation of all *fire permits* and *fireworks permits* for the duration of the restriction;
- s) "*Fire Services*" means the *Town's* fire service and includes any fire department providing *fire protection* within the *Town* pursuant to a *Fire Services* agreement and shall include all *members* and *Fire Services property*;
- t) "*Fire Services Property*" means all real and personal *property* owned or controlled by *Fire Services* and designated for use by *Fire Services* including but not limited to *apparatus*, *equipment*, and fire stations;
- u) "*Fireworks*" means the pyrotechnics classified as *fireworks* pursuant to the *Explosives Act* and its Regulations, including consumer *fireworks*, display *fireworks* and special effect pyrotechnics, but does not include firecrackers or explosive devices;
- v) "*Fireworks Bylaw*" means Bylaw #09.21 – Fireworks Bylaw passed by the *Town*, as amended from time to time, and its successor legislation;
- w) "*Fireworks Permit*" means a permit issued by the *Town* pursuant to the *Fireworks Bylaw*;

- x) "*Incident*" includes a fire or any situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or *property* including, but not limited to, any motor vehicle collision, any outside fire, or any hazardous material event;
- y) "*Member*" means any *person* who is duly appointed as a *member of Fire Services*;
- z) "*Member in Charge*" means the *Fire Chief*, or in their absence, the highest-ranking *member* who first arrives at the scene of an *incident*;
- aa) "*Municipal Government Act*" or "*MGA*" means the *Municipal Government Act, R.S.A. 2000 M-26*, as amended from time to time, and its successor legislation;
- bb) "*Municipal Tag*" means a tag or similar document issued by the *Town* pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a *person* with the opportunity to pay an amount to the *Town* in lieu of prosecution of the offence;
- cc) "*Occupant*" means any *person* that is in possession, control or occupation of *property* including, but not limited to, the holder(s) of an easement or right-of-way;
- dd) "*Owner*" means any *person* listed on title as the registered *owner of property* at the Land Titles Office;
- ee) "*Peace Officer*" has the same meaning given to it in the *Provincial Offences Procedure Act*;
- ff) "*Person*" includes any individual, firm, partnership, or body corporate;
- gg) "*Prohibited Debris*" means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances, and includes but is not limited to:
 - i. Treated or painted lumber;
 - ii. Lumber products containing glue or resin;
 - iii. Wet or unseasoned wood;
 - iv. Leaves, brush or yard waste;
 - v. Garbage;
 - vi. Rubber, tires or plastic or other non-wooden material;
 - vii. Any animal carcass, manure or part thereof;
 - viii. Pathological waste;
 - ix. Used oil;
 - x. And any other combustible waste identified as prohibited debris in the *Substance Release Regulation*.
- hh) "*Property*" means any real or personal *property*;

- ii) "*Recreational Fire*" means a fire confined within an *acceptable fire pit* or *acceptable fireplace*, which is lit for the purpose of cooking, obtaining warmth or viewing for pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane;
- jj) "*Town of Drumheller*" or "*Town*" means the Town of Drumheller, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town of Drumheller, as the context may require; and
- kk) "*Violation Ticket*" has the same meaning given to it in the *Provincial Offences Procedure Act*.

3. RULES OF INTERPRETATION

- 3.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.3 In this Bylaw, a citation of or reference to any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the *Town*, is a citation of or reference to that act, regulation, or bylaw as amended, whether amended before or after the commencement of the act, regulation or bylaw in which the citation or reference occurs.
- 3.4 Nothing in this Bylaw relieves a *person* from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.

4. FIRE SERVICES

4.1 Establishment and Purpose of *Fire Services*:

- a) *Council* establishes *Fire Services* in the *Town* for the purpose of:
 - i. preventing and extinguishing fires;
 - ii. investigating the origin, cause and circumstances of *incidents*;
 - iii. providing fire inspection, pre-fire planning, and public education prevention services in accordance with the *Safety Codes Act* and the Quality Management Plan approved by *Council* and the Safety Codes Council;
 - iv. preserving life and *property* and protecting *persons* and *property* from injury or destruction by fire;
 - v. preventing, combating, responding to, and controlling *incidents*;
 - vi. carrying out preventable controls;
 - vii. providing rescue services;
 - viii. conducting pre-fire planning and fire inspections;
 - ix. fulfilling the requirements of any mutual aid agreements with other municipalities or entities;

- x. providing public education and information regarding fire safety; and
 - xi. providing any other emergency response as may be authorized by the *Town's* policy or applicable legislation.
- b) The *Town* may provide for the delivery of the services listed in section 7 by entering into *Fire Services* agreements and nothing in this Bylaw shall obligate the *Town* to hire or maintain its own fire department or *members*.

4.2 Authority and Responsibility of the *Fire Chief*.

- a) The *Fire Chief* shall be responsible to the *Director of Emergency and Protective Services* for the performance of their duties pursuant to this Bylaw and all applicable *Town* policies.
- b) Subject to approval by the *Director of Emergency and Protective Services*, the *Fire Chief* may prescribe rules, regulations, and policies for the ongoing organization, administration, and day-to-day operation of *Fire Services*, including but not limited to:
- i. the use, care, maintenance and protection of *Fire Services property*;
 - ii. the appointment, recruitment, conduct, discipline, duties, training, and responsibilities of *members*;
 - iii. the efficient operation of *Fire Services*; and
 - iv. such other functions, powers, and responsibilities as the *Director of Emergency and Protective Services* may prescribe.

4.3 Authority and Responsibility of *Members*:

- a) *Members* are responsible to the *Fire Chief* for the performance of their duties pursuant to this Bylaw and applicable *Town* policies.

4.4 Authority and Responsibility of *Member in Charge*:

- a) The *Member in Charge* at an *incident* shall have control, direction, and management of all *apparatus, equipment*, and personnel assigned to that *incident* and shall continue to act as the *member in charge* until relieved by another *member* authorized to do so.
- b) The *Member in Charge* shall take action as deemed necessary for preserving life and *property* and protecting *persons* and *property* from injury or destruction by an *incident* and is authorized to:
- i. enter, pass through or over buildings, structures, or *property* whether adjacent or in proximity to an *incident* and to cause *members* or *apparatus* to enter or pass through or over the building, structure or *property* without permission;
 - ii. establish boundaries or limits and keep *persons* from entering the area within the prescribed boundaries or limits unless authorized to enter by the *member in charge*;
 - iii. request *Peace Officers* to enforce restrictions on *persons* entering within the boundaries or limits outlined in subsection 4.4(b);

- iv. cause a building, structure, or thing to be pulled down, demolished, or otherwise removed;
- v. secure *Town* personnel, resources, and *equipment* which is considered necessary to deal with an *incident*;
- vi. secure or commandeer privately owned *equipment* which is considered necessary to deal with an *incident* and authorize payment for use of the *equipment*;
- vii. require any adult *person* who is not a *member* to assist in:
 1. extinguishing a fire or preventing the spread thereof;
 2. removing furniture, goods, and merchandise from any building or structure on fire or in danger, and in guarding and securing same; and
 3. demolishing a building or structure at or near the fire or other *Incident*.

5. FIRES AND FIRE PERMITS

5.1 Permitted and Prohibited Fires:

- a) no *person* shall burn or cause to be burned any *prohibited debris* within the *Town*.
- b) no *person* shall light or cause to be lit, or otherwise allow or permit, any outdoor fire upon land they are the *owner* or *occupant* of, unless the *person* holds a valid and subsisting *fire permit*, or the fire is exempt from the requirement for a *fire permit* under this Bylaw.
- c) A *fire permit* is not required for a *recreational fire* provided that:
 - i. the fire is kept under control and supervised at all times by a responsible adult until such time that the fire has been completely extinguished;
 - ii. a means of extinguishing the fire is kept on hand at all times when the fire is burning; and
 - iii. flame height does not exceed one (1) metre above the structure or container.
- d) This Bylaw does not apply to:
 - i. an outdoor fire lit by *fire services* for training or preventive control purposes;
 - ii. an outdoor fire that is a flare stack used in the petroleum industry; or
 - iii. a fire confined to an incinerator regulated under the *Environmental Protection and Enhancement Act*.

5.2 Fire Permits:

- a) *Fire permits* are required throughout the entire year.
- b) An application for a *fire permit* shall be made on the form approved by the *Chief Administrative Officer*, as may be amended from time to time.

- c) A *fire permit* shall only be valid for the time period expressly indicated on the *fire permit*, as determined by the *Fire Chief* issuing the permit at their sole discretion, having regard for the nature and purpose of the fire, and prevailing circumstances and environmental conditions.
- d) The *Chief Administrative Officer, Fire Chief, the Director of Emergency and Protective Services, or a Peace Officer* may, in their sole discretion, terminate, suspend or cancel a *fire permit* at any time upon receiving notification of termination, suspension or cancellation of the *fire permit*, the *fire permit* holder shall immediately extinguish any fire set pursuant to the *fire permit*. notification of cancellation may be made, in writing, electronically, or in person.
- e) A *fire permit* is not transferable.

5.3 Requirement to Report:

- a) The *owner* of any *property* damaged by fire shall immediately report the particulars of such fire to the *Fire Chief*.

6. PERMIT HOLDER RESPONSIBILITIES

6.1 Every *person* who sets a fire under authority of a *fire permit* shall:

- a) comply with any terms or conditions of the permit;
- b) keep the permit at the site of the fire;
- c) produce the permit to the *Chief Administrative Officer, the Fire Chief, the Director of Emergency and Protective Services, a Member, or a Peace Officer*, upon request;
- d) have a responsible adult *person* in attendance at the fire at all times under the conditions as listed in the *fire permit*;
- e) keep the fire under control;
- f) not allow smoke or sparks to drift or otherwise create a nuisance or hazard to neighboring *property, persons, or roadways*;
- g) completely extinguish the fire before expiration of the permit or upon cancellation of the permit; and
- h) be responsible for any costs incurred by the *Fire Services* when called upon to extinguish such fire if, in the opinion of the *Fire Chief*, as the case may be, the fire is a hazard to *persons or property*.

7. FIREWORKS

7.1 Refer to Town of Drumheller Bylaw #09.21, the *Fireworks Bylaw*, for all authorities and information concerning the lawful purchase and discharge of *fireworks* and the relation of this activity to the Fire Bylaw.

8. FIRE ADVISORY, RESTRICTION AND BAN

8.1 Notice of a *fire advisory, fire restriction or fire ban* shall be provided to the public. Notice may be in the form of signage, through a public service message on the local radio stations, or by

any other means which the Fire Chief determines is appropriate for the purpose of informing the public.

8.2 A *fire advisory*, *fire restriction* or *fire ban* may be established and declared for the entire *Town* or portions of the *Town*.

8.3 *Fire Advisory*:

- a) The *Fire Chief* may impose a *fire advisory*, which shall remain in force until either the date provided in the notice of the *fire advisory* or until such time as the *Fire Chief* provides notice to the public that the *fire advisory* is no longer in effect.
- b) Under a *fire advisory*, *fire permits* and *fireworks permits* may be suspended or restricted, and open burning is generally discouraged, but specific types of fires may still be permitted with caution.

8.4 *Fire Restrictions*:

- a) The *Fire Chief* may, from time to time, prohibit the issuance of any new *fire permits* or *fireworks permits* and suspend all active *fire permits* and *fireworks permits* when, in the opinion of the *Fire Chief*, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- b) A *fire restriction* imposed pursuant to subsection 8.4(a) shall remain in force until either the date provided in the notice of the *fire restriction* or until such time as the *Fire Chief* provides notice to the public that the *fire restriction* is no longer in effect.
- c) When a *fire restriction* is in place, no *fire permit* or *fireworks permits* shall be issued.
- d) When a *fire restriction* is in place, no *person* shall:
 - i. ignite any fire unless the fire is exempt from requiring a permit; or
 - ii. sell, purchase, handle, discharge, fire, or set off *fireworks* within the *Town*.

8.5 *Fire Ban*:

- a) The *Fire Chief* may prohibit all fires in the *Town* when, in the opinion the *Fire Chief*, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- b) *Fire bans* may be established and declared for the entire *Town* or portions of the *Town*.
- c) A *fire ban* imposed pursuant to subsection 8.5(a) shall remain in force until either the date provided in the notice of the *fire ban* or until such time as the *Fire Chief* provides notice to the public that the *fire ban* is no longer in effect.
- d) Subject to subsection 8.5(e), when a *fire ban* is in place, no *person* shall ignite any fire, whether or not the *person* is the holder of a *fire permit* and shall immediately extinguish any fire lit once the *person* knows or ought reasonably to know of the *fire ban*.
- e) During a *fire ban* a *person* may, subject to the requirements of this bylaw, and unless the notice of the *fire ban* provides otherwise, use a barbeque that burns propane, natural gas, compressed briquettes, wood pellets or charcoal, provided that the barbeque is used for the

purpose of cooking or obtaining warmth and is used on private *property* or in a public area that has been approved by the *Town* for the use of such barbecues.

9. RECOVERY OF COSTS

9.1 *Fire Protection Charges:*

- a) Upon *Fire Services* providing *fire protection* on a parcel of land within the *Town's* boundaries, the *Town* may, in its sole and absolute discretion, charge *fire protection charges* to any or all of the following *persons*, namely:
 - i. the *person* or *persons* causing or contributing to the fire;
 - ii. the *occupant* of the parcel of land on which *fire protection* was provided;
 - iii. the *owner* of the parcel of land which *fire protection* was provided;
 - iv. the *person* with control over the parcel of land on which *fire protection* was provided, which may include, without restriction, a *property manager*; and
 - v. the *person* or *persons* who requested *fire protection*, and
 - vi. all *persons* charged are jointly and severally liable for payment of the *fire protection charges* to the *Town*.
- b) *Fire protection charges* shall be paid within thirty days of receipt of an invoice.
- c) Collection of unpaid *fire protection charges* may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the *Town* is entitled to on the parcel of land in respect of which the indebtedness incurred.
- d) Without limiting subsection 9.1(a), the *owner* of a parcel of land within the *Town* to which *fire protection* is provided is liable for *fire protection charges* incurred and the *Town* may add to the tax roll of the parcel of land all unpaid *fire protection charges*, which forms a special lien against the parcel of land in favor of the *Town* from the date the amount was added to the tax roll, in accordance with the *MGA*.

9.2 A *person* who has damaged or destroyed any *apparatus, equipment, or Fire Services property* shall, in addition to any penalty imposed to in this Bylaw, be liable for, and pay upon demand, all costs incurred by the *Town* to repair or replace the *apparatus, equipment, or Fire Services property* in question.

9.3 Service Fees and Charges:

- a) The *Town* may establish and levy fees and charges for services, including but not limited to:
 - i. fees for responding to an *incident*;
 - ii. *fire permit* and *fireworks permit* application fees;
 - iii. site inspection fees;
 - iv. fire investigation fees;

- v. fees for responding to a *false alarm*; and
 - vi. fees for file searches and copying records.
- b) The fees and charges for services are established in the attached Schedule "B" of this Bylaw and are subject to the applicable taxes, where appropriate.
- c) The fees and charges described in this section shall be a debt due and owing to the *Town* and collection of unpaid fees and charges may be undertaken by civil action in a court of competent jurisdiction.

10. ENFORCEMENT

10.1 Inspection and Enforcement:

- a) Where a parcel of land does not comply with this Bylaw or a *person* contravenes this Bylaw, the *Town* may pursue enforcement 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 *Town*, adding amounts to the tax roll of the *Owner* of the parcel, and pursuing injunctions pursuant to the *MGA*.
- b) The *Chief Administrative Officer* is authorized to carry out inspections of land and structures, issue orders, remedy conditions and contraventions, and enforce this Bylaw in accordance with the *MGA*.

10.2 Offences:

- a) No *person* shall:
- i. contravene any provision of this Bylaw;
 - ii. contravene any term or condition of a permit issued pursuant to this Bylaw;
 - iii. cause or permit a *burning hazard* or *fire hazard* to exist on a parcel of land;
 - iv. deposit, discard, or abandon any burning matter or substance so as to create a *burning hazard*;
 - v. light a fire or cause a fire to be lit during a *fire ban*;
 - vi. light a fire or allow a fire to be lit unless they are a holder of a valid *fire permit* if required under this Bylaw;
 - vii. provide false, incomplete, or misleading information to the *Chief Administrative Officer*, *Fire Chief*, the *Director of Emergency and Protective Services*, or a *Peace Officer* with respect to a fire or a permit application;
 - viii. light a fire on any land not the *person's* own without the written consent of the *owner* of the land;
 - ix. permit a fire lit by that *person* to pass from their own land to the land of another *person*;
 - x. light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;

- xi. conduct any activity that might reasonably be expected to cause a fire unless that *person* exercises reasonable care to prevent a fire from occurring;
- xii. conduct any activity that involves the use of a fire, where smoke produced by the fire may impede visibility of vehicular or pedestrian traffic on any road or highway; or
- xiii. light a fire on lands owned or controlled by the *Town* except with the *Town's* express written consent.

b) Vicarious Liability:

- i. For the purposes of this Bylaw, an act or omission by an employee or agent of a *person* is deemed also 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's exercising the powers or performing the duties on behalf of the *person* under their agency relationship.

c) Corporations and Partnerships:

- i. 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 that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- ii. If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

d) Fines and Penalties:

- i. A *person* who is guilty of an offence is liable upon summary conviction to a fine in an amount:
 - 1. not less than the specified penalty established in Schedule "A"; and
 - 2. in the case of all other offences, not exceeding \$10,000.00.

e) Without restricting the generality of subsection 10.2(d) the fine amounts set out in Schedule "A" are established as specified penalties for use on *municipal tags* and *violation tickets*, if a voluntary payment option is offered.

f) Notwithstanding subsection 10.2(d), any *person* who commits a second or subsequent offence under this Bylaw within one year of a first offence, is liable on summary conviction to a fine not less than the increased amount set out for the offence in Schedule "A" to this Bylaw.

10.3 *Municipal Tag*:

a) A *Peace Officer* is authorized and empowered to issue a *municipal tag* to any *person* whom the *Peace Officer* has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- b) A *Municipal Tag* may be issued:
 - i. personally; or
 - ii. by mailing a copy, via registered mail, to such *person* at their last known postal address.
- c) The *municipal tag* shall be in a form approved by the *Chief Administrative Officer* and shall state:
 - i. the name of the *person* to whom the *municipal tag* is issued;
 - ii. particulars of the contravention under this Bylaw;
 - iii. the specified penalty for the offence as set out in Schedule "A";
 - iv. that the specified penalty shall be paid within twenty-one days of the issuance of the *municipal tag* in order to avoid prosecution; and
 - v. any other information as may be required by the *Chief Administrative Officer*.
- d) Where a *municipal tag* has been issued under this Bylaw, the *person* to whom the *municipal tag* has been issued may, in lieu of being prosecuted for the offence, pay to the *Town* the penalty specified on the *municipal tag*.

10.4 Violation Ticket:

- a) Where a *municipal tag* has been issued and the specified penalty has not been paid within the prescribed time, the *Peace Officer* is authorized to issue a *violation ticket* pursuant to the *Provincial Offences Procedure Act*.
- b) Notwithstanding subsection 10.4(a), a *Peace Officer* is hereby authorized and empowered to issue a *violation ticket* pursuant to the *Provincial Offences Procedure Act*.
- c) If a *violation ticket* is issued in respect of an offence, the *violation ticket* may:
 - i. state the specified penalty for the offence as set out in Schedule "A"; or
 - ii. require a *person* to appear in Provincial Court without the alternative of making a voluntary payment.
- d) A *person* who commits an offence may:
 - i. if a *violation ticket* is issued in respect of the offence; and
 - ii. if the *violation ticket* states the specified penalty established by this Bylaw for the offence, as set out in Schedule "A";make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the *violation ticket*, the specified penalty set out on the *violation ticket*.

10.5 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to subsection 10.4(d) above and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

11. TRANSITION

11.1 If any portion of this Bylaw is found to be invalid, that portion shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

11.2 This Bylaw shall come into force and effect when it receives third reading and is duly signed.

11.3 This Bylaw repeals *Bylaw #04-07 – Establish and Operate a Fire Department*.

READ A FIRST TIME THIS 18TH DAY OF NOVEMBER, 2024


READ A SECOND TIME THIS 18TH DAY OF NOVEMBER, 2024

READ A THIRD AND FINAL TIME THIS 2ND DAY OF DECEMBER, 2024




MAYOR: HER WORSHIP; HEATHER COLBERG

Seal


DARRYL E. DROHOMERSKI, C.E.T.
CHIEF ADMINISTRATIVE OFFICER

Schedule "A" - Specified Penalties

Bylaw Section Number	Offence	Municipal Tag	Violation Ticket	Second and Subsequent Offence
5.1(a)	Burning <i>Prohibited Debris</i>	\$250.00	\$500.00	\$1000.00
5.1(b)	Fire without a <i>Fire Permit</i>	\$250.00	\$500.00	\$1000.00
7.1	Sell, Purchase, Possess, Handle, Discharge, Fire or Set Off <i>Fireworks</i> without a Permit	\$250.00	\$500.00	\$1000.00
5.3(a)	Failure to report fire	\$250.00	\$500.00	\$1000.00
10.2(a)(ii)	Contravene any term or condition of a permit	\$250.00	\$500.00	\$1000.00
10.2(a)(iii)	Cause or permit a <i>Burning Hazard</i> or <i>Fire hazard</i> to exist on a parcel of land	\$500.00	\$1000.00	\$2500.00
10.2(a)(iv)	Deposit, discard or abandon any burning matter or substance so as to create a <i>Burning Hazard</i>	\$500.00	\$1000.00	\$2500.00
10.2(a)(v)	Light a fire or cause a fire to be lit during a <i>Fire Ban</i>	\$500.00	\$1000.00	\$2500.00

Bylaw Section Number	Offence	Municipal Tag	Violation Ticket	Second and Subsequent Offence
10.2(a)(vi)	Light a fire or cause a fire to be lit without a <i>Fire Permit</i>	\$250.00	\$500.00	\$1000.00
10.2(a)(vii)	Provide false or misleading information	\$250.00	\$500.00	\$1000.00
10.2(a)(viii)	Light a fire on land without written permission of <i>Owner</i>	\$250.00	\$1000.00	\$2500.00
10.2(a)(ix)	Permit a fire to pass to another <i>Person's</i> land	\$250.00	\$1000.00	\$2500.00
10.2(a)(x)	Light a fire without sufficient precautions	\$250.00	\$1000.00	\$2500.00
10.2(a)(xi)	Conduct any activity that might reasonably be expected to cause a fire without exercising reasonable care	\$250.00	\$500.00	\$1000.00

Bylaw Section Number	Offence	<i>Municipal Tag</i>	<i>Violation Ticket</i>	Second and Subsequent Offence
10.2(a)(xii)	Conduct any activity that involves the use of a fire, where smoke produced by the fire may impede visibility of vehicular and pedestrian traffic on any road or highway	\$250.00	\$1000.00	\$2500.00
10.2(a)(xiii)	Light a fire on lands owned or controlled by the <i>Town</i> except with the <i>Town's</i> express written consent	\$500.00	\$1000.00	\$2500.00

Schedule "B" – Fire Protection Charges and Service Fees

Items	Rates		
Fire Department Response Rates			
Engine All Types	\$720.00 / Hour		
Rescue	\$720.00 / Hour		
Ladder/Aerial Apparatus	\$1200.00 / Hour		
Tender	\$720.00 / Hour		
Command Vehicle	\$210.00 / Hour		
ATV UTV	\$75.00 / Hour		
Boat	\$200.00 / Hour		
False Alarms	First	Second	Third or Subsequent
Residential	\$0.00	\$250.00	\$500.00
Commercial/Industrial	\$0.00	\$500.00	\$1000.00
Fire Permits			
Fire Permit	\$50.00		
Fire Investigations			
Fire Investigation & Report	\$300.00 / Hour		
Fire Inspections	First	Second	Third or Subsequent
Request Inspection	\$150.00	\$150.00	\$500.00
Complaint Inspection	\$150.00	\$150.00	\$500.00
Occupancy Load Certificate	\$ 150.00		
Miscellaneous Rates and Fees			
Fire Stand-by	Equipment Costs as noted Above		
Fire Stand-by Personnel Per Firefighter	\$60.00 / Hour		
Fire Department Lock Box	TBD		
Security Fencing Installation / Removal	\$500.00		
<i>Incident Response on Provincial Highways</i>	As per the current rate established by Alberta Transportation		
<i>Incident Response Outside Jurisdiction</i>	As per the Fire Department Response Rates established by Schedule "B" of this Bylaw or per signed agreement with the jurisdiction.		
All Hourly Rates Minimum of One Hour, With Billing Afterward in 15-Minute Increments			
The Fire Protection Charges and Services Fees are subject to GST where applicable.			