

BY-LAW NO. 1867

OF THE TOWN OF FORT MACLEOD

IN THE PROVINCE OF ALBERTA

A BYLAW OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING FIRE PROTECTION TO THE TOWN, PREVENTING, REGULATING AND CONTROLLING THE LIGHTING OF FIRES WITHIN THE TOWN, THE RECOVERY OF FIRE PROTECTION CHARGES AND REGULATING THE USE, SALE AND STORAGE OF FIREWORKS.

WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended (the “MGA”) provides that a council of a municipality may pass bylaws for municipal purposes respecting the following matters:

- 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 licences, permits or approvals and may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing fires;

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

AND WHEREAS the Council for the Town of Fort Macleod recognizes that fireworks, when not managed, handled and used properly, can cause injury, damage, fire and death;

AND WHEREAS Council for the Town of Fort Macleod wishes to provide for the prevention, regulation and control of the lighting of fires within the Town;

NOW THEREFORE, the Council of the Town of Fort Macleod, duly assembled, enacts as follows:

Bylaw Title

1. This bylaw may be cited as the “Fire and Fireworks Bylaw”.

Definitions

2. In this by-law words and phrases shall be construed as specified hereunder:

- a. “Approved Fire Pit” means a wood burning fire pit that is a metal or non-combustible container, up to 1 meter high and up to 1 meter wide, such container

being designed not to permit the escape of ash or brand, covered with a metal mesh having openings not larger than one-quarter inch (1/4”);

- b. “*Alberta Fire Code*” – means the *Alberta Fire Code 2014*, passed pursuant to Alberta Regulation 32/2015;
- c. “Apparatus” – means any vehicle provided with machinery or Equipment for firefighting operated by or for the Fire Department whether that vehicle operates on land, in the air, or on the water;
- d. “*Burnable Debris*” means *clean, dry wood otherwise permitted to be burned in accordance with applicable statutes and bylaws*;
- e. “*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*;
- f. “CAO” – means the Chief Administrative Officer of the Town of Fort Macleod or their delegate;
- g. “Council” – means the Council of the Town of Fort Macleod;
- h. “Deputy Fire Chief” – means the Member appointed as head of the Fire Department when the Fire Chief is absent;
- i. “Equipment” – means any tools, contrivances, devices or materials used by or for the Fire Department to combat an Incident or other emergency;
- j. “Fire Ban” – means any fire ban, declared by the Province of Alberta or declared by the Municipal District of Willow Creek and adopted by the Town, that prohibits the ignition of fires in all or part of the Town;
- k. “Fire Chief” – means the Member appointed as head of the Fire Department, or their delegate;
- l. “Firecracker” – shall be as defined in the *Alberta Fire Code*;
- m. “Fire Department” – means the Town Fire Department established to provide Fire Protection and shall include all Members and all Fire Department Property;
- n. “Fire Department Property” – means all real and personal property owned or controlled by the Town and designated for use by the Fire Department including but not limited to Apparatus, Equipment and fire stations;

- o. "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;
- p. "Fire Permit" – means a permit issued by the Fire Chief, authorizing the setting of a specific type of fire within the Town;
- q. "Fire Protection" – means any and all of the services enumerated in section 3 of this Bylaw and includes any other service delivered by or for the Fire Department that is authorized by Council;
- r. "Fire Protection Charges" – means all costs incurred by or for the Fire Department in providing Fire Protection within the Town's boundaries, the rates of which are set out in the attached Schedule "A" forming part of this Bylaw;
- s. "Fireworks" - shall be as defined in the *Alberta Fire Code*;
- t. "Incident" – means a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property;
- u. "Member" – means any person that is a duly appointed member of the Fire Department and includes a Fire Chief and Officer;
- v. "MGA" – means the *Municipal Government Act*, as amended;
- w. "Officer" – means any person that is a duly appointed officer of the Fire Department;
- x. "Peace Officer" means a bylaw enforcement officer appointed by the Town pursuant to the *MGA*, and any member of the Police Service of Jurisdiction;
- y. "Persons" includes any individual, firm, partnership or body corporate;
- z. "Prohibited Debris" means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances and includes but is not limited to:
- i. animal manure;
 - ii. pathological waste;
 - iii. non-wooden material;
 - iv. waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
 - v. combustible material in automobile bodies;
 - vi. tires;

- vii. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
- viii. used oil;
- ix. wood or wood products containing substances for the purpose of preserving wood; and
- x. yard waste: including but not limited to leaves, grass clippings and tree pruning.

- aa. “Recreational Fire” means a fire confined within a non-combustible structure or container, 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;
- bb. “Town” – means the Town of Fort Macleod;
- cc. “Violation Ticket” – means a violation ticket issued for an offence committed against any of the provisions of this Bylaw pursuant to the *Provincial Offences Procedure Act*, as amended and any regulations thereunder.

Fire Protection

- 3. Council authorizes the Fire Department to provide Fire Protection for and on behalf of the Town for the purpose of:
 - a. preventing and extinguishing fires;
 - b. investigating the origin, cause and circumstances of fires;
 - c. preserving life and property and protecting persons and property from injury or destruction by fire;
 - d. preventing, combating and controlling Incidents;
 - e. carrying out preventable controls;
 - f. fulfilling the requirements of any mutual aid agreements with other municipalities;
 - g. maintaining and operating Apparatus and Equipment for extinguishing fires and preserving life and property;
 - h. providing rescue services for motor vehicles collisions, including water or ice rescue;
 - i. conducting pre-fire planning and fire inspections;

- j. providing public education and information regarding fire safety; and
 - k. training or other Member development
- in accordance with this Bylaw, policies and guidelines established by the Town from time to time and all applicable legislation.

Authority and Responsibility of the Fire Chief

4. (1) The Fire Chief shall be elected by the Fire Department from within the Members, ratified by resolution of Council.
- (2) A Fire Chief may be re-appointed any number of times.
- (3) The position of Fire Chief will be reviewed by the Fire Department every three (3) years.
- (4) The Fire Chief shall be responsible for managing the overall delivery of Fire Protection by the Fire Department, subject to:
 - a. this Bylaw;
 - b. all applicable Town policies;
 - c. the direction of the CAO; and
 - d. any agreements the Town has with other municipalities or other entities, however constituted, that provide Fire Protection.
- (5) The Fire Chief, subject to the ratification by the Council, may establish rules, regulations, policies, and committees necessary for the proper organization of the Fire Department including:
 - a. use, care and protection of Fire Department Property;
 - b. the conduct and discipline of Members; and
 - c. efficient operations of the Fire Department.
- (6) The Fire Chief may obtain assistance from other departments of the Town as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.
- (7) Where the Fire Chief deems it necessary, he or she shall appoint Officers, including the Deputy Fire Chief, in accordance with a vote of the Members.

- (8) The Fire Chief is authorized to delegate, and to authorize further delegations of any powers, duties and functions delegated to the Fire Chief by Council under this Bylaw.
- (9) The Fire Chief shall report annually to the Council on the operations of the Fire Department or on any other matter in the manner designated by Council.
- (10) Where a claim or suit is brought by a member of the public as a consequence of any act or omission on the part of the Fire Chief or a member of the Fire Department, acting in the performance or intended performance of their duties under this Bylaw, the Town of Fort Macleod shall defend the Fire Chief or member in that claim or suit until final determination of the proceedings.

Authority and Responsibility of the Deputy Fire Chief

5.
 - (1) The Deputy Fire Chief shall be elected by the Fire Department from within the Members.
 - (2) A Deputy Fire Chief may be re-appointed any number of times.
 - (3) The position of Deputy Fire Chief will be reviewed by the Fire Department every three (3) years.
 - (4) When the Fire Chief is absent, the Deputy Fire Chief shall assume the powers, duties and functions delegated to the Fire Chief by Council under this Bylaw.

Authority and Responsibility of Members

6.
 - (1) Members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Council.
 - (2) All Members are required to preserve any evidence which may assist in determining the cause of a fire.
 - (3) All Members are required to adhere to and preserve confidentiality as it pertains to the Freedom of Information Act.

Limits on Jurisdiction

7. The limits of the jurisdiction of the Fire Chief and Members of the Fire Department will extend to the area and boundaries of the Town, and no part of the Apparatus shall be normally used beyond the limits of the Town without the express authorization of a

written contract or agreement providing for the supply of Fire Protection outside the Town's boundaries.

Authority and Responsibility for Incidents

8. (1) The Fire Chief, or in his absence, the Deputy Fire Chief, shall have control, direction and management of the Incident and any Fire Department Apparatus, Equipment or manpower assigned to an Incident;
- (2) Where both the Fire Chief and Deputy Fire Chief are absent, control, direction and management of the Incident and any Fire Department Apparatus, Equipment or manpower assigned to the Incident, shall be the responsibility of the most senior Officer present or, where no Officers are present, the most senior Member present.
- (3) The Fire Chief, Deputy Fire Chief, Officer or any Member having control, direction and management of an Incident pursuant to this section is empowered to:
 - a. cause a building, structure or thing to be pulled down, demolished or otherwise removed if he or she deems it 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, Apparatus or Equipment to enter, as he or she deems necessary, in order to combat, control, or deal with the Incident;
 - c. establish boundaries or limits and keep Persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her;
 - d. request Peace Officers to enforce restrictions on Persons entering within the boundaries or limits outlined in this section;
 - e. enter, pass through or over buildings or property adjacent to an Incident and to cause Members, the Apparatus and Equipment to enter or pass through or over the building or property, where he or she deems it necessary to gain access to the Incident or to protect any persons or property;
 - f. request Persons who are not Members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing the same; and
 - g. commandeering privately owned equipment which he or she considers necessary to deal with an Incident.

Permitted and Prohibited Fires

9. (1) No Persons shall light or cause to be lit any outdoor fire, or permit any outdoor fire upon land owned or occupied by them or under their control, 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.
- (2) No Person shall burn or cause to be burned any Prohibited Debris.
- (3) A Fire Permit is not required under this Bylaw for an Approved Fire Pit or Recreational Fire provided that:
 - a. a minimum of 3 meters clearance from property lines, other structures and combustible materials is maintained;
 - b. the fire is kept under control and supervised at all times by a responsible adult person until such time that the fire has been completely extinguished; and
 - c. flame height does not exceed 1 meter above the structure or container, nor shall a fire exceed 1 meter in width.
- (4) This Bylaw does not apply to:
 - a. an outdoor fire lit by the Fire Department for training or preventive control purposes;
 - b. an outdoor fire that is a flare stack used in the petroleum industry;
 - c. a fire confined to an incinerator regulated under the Environmental Protection and Enhancement Act.

Fire Permits

10. (1) An application for a Fire Permit shall be submitted to the Fire Chief or his or her designate.
- (2) Upon receipt of an application for a Fire Permit, the Fire Chief or his or her delegate may, in his or her discretion, refuse to issue a Fire Permit or issue a Fire Permit with, or without, conditions.
- (3) A Fire Permit shall include:
 - a. the full name and contact information of the permit holder;
 - b. the time(s) and date(s) for which the Fire Permit is valid; and

- c. the location where the fire may be lit;
 - all of which shall constitute terms and conditions of the Fire Permit.
- (4) A Fire Permit may include any further terms and conditions that the Fire Chief or his or her delegate deems advisable for the safe conduct of the fire.
- (5) A Fire Permit is not transferrable from one Person to another or from one location to another.
- (6) The Fire Chief may, at any time, suspend or revoke a Fire Permit:
- a. for reasons of non-compliance with the *Alberta Fire Code*, this Bylaw or any terms or conditions of the Fire Permit;
 - b. due to changes in environmental conditions; or
 - c. for any reasons of safety to life or property.
- (7) Upon receiving notification of suspension or cancellation of a Fire Permit, the Fire Permit holder shall immediately extinguish any fire set pursuant to the Fire Permit.
- (8) Every Person who sets a fire under authority of a Fire Permit shall:
- a. keep the Fire Permit at the site of the fire;
 - b. produce the Fire Permit to a Member or a Peace Officer upon demand;
 - c. have a responsible adult person supervise the fire at all times under the conditions as listed on the Fire Permit;
 - d. keep the fire under control;
 - e. extinguish the fire before expiration of the Fire Permit or upon cancellation or suspension of the Fire Permit; and
 - f. be responsible for any costs incurred by the Fire Department when called upon to extinguish such fire if, in the opinion of the Fire Chief, the fire is a hazard to persons or property.
- (9) A Person to whom a Fire Permit has been issued and any Person carrying out an activity otherwise regulated, restricted or prohibited by this Bylaw pursuant to such Fire Permit, shall comply with any terms or conditions forming part of the Fire Permit.

- (10) If any term or condition of a Fire Permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or misleading information was provided to obtain the Fire Permit, the Fire Chief may immediately cancel the Fire Permit.

Fire Bans

11. (1) 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/all fires lit once the person knows or ought reasonably to know of the Fire Ban.
- (2) Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signs posted throughout the Town, in locations to be determined by the CAO, through a public service message on the local radio stations, or by any other means which the CAO determines is appropriate for the purpose of informing the public of the Fire Ban.

Fire Protection Charges

12. (1) Upon the Fire Department providing Fire Protection on a parcel of land within the Town's boundaries, the Town may, in its sole and absolute discretion, charge any or all of the following Persons, namely:
- a. the Person or Persons causing or contributing to the fire;
 - b. the occupant of the parcel of land;
 - c. the owner of the parcel of land;
- Fire Protection Charges, and all Persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Town.
- (2) Fire Protection Charges shall be paid within thirty (30) days of receipt.
- (3) Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Town is entitled to on the parcel of land in respect of which the indebtedness is incurred.
- (4) 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 favour of the Town from the date the amount was added to the tax roll, in accordance with section 553 of the *MGA*.

Fireworks

13. (1) No Person shall sell, purchase, possess, handle, discharge, fire or set off Fireworks within the Town.

Inspection and Enforcement

14. (1) Where a parcel of land does not comply with this Bylaw or a person contravenes this Bylaw, the Town 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 Town, adding amounts to the tax roll for the owner of the parcel, and pursuing injunctions pursuant to the MGA.
- (2) The Fire Chief 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.

Prohibitions

15. No Person shall:
- a. contravene any term or condition of a Fire Permit;
 - b. impede, obstruct or hinder a Member, or any other Person assisting or acting under the direction of a Member from carrying out any function or activity related to the provision of Fire Protection;
 - c. damage or destroy the Apparatus or Equipment;
 - d. falsely represent himself as a Member;
 - e. obstruct or otherwise interfere with access by the Fire Department to:
 - i. the scene of an Incident;
 - ii. a fire hydrant, cistern or other body of water designated for firefighting purposes; or
 - iii. connections to fire mains, stand pipes, or sprinkler systems;
 - f. cross any boundaries or limits established by the Fire Department in accordance with this Bylaw, without the express authorization of the Fire Chief or Member in charge at an Incident;

- g. cause or permit a Burning Hazard or Fire Hazard to exist on a parcel of land;
- h. deposit, discard or abandon any burning matter or substance so as to create a Burning Hazard;
- i. provide false, incomplete or misleading information to the Fire Chief, a Member or a Peace Officer with respect to a fire or a Fire Permit application;
- j. provide false, incomplete or misleading information to the Fire Chief, a Member or a Peace Officer with respect to a Fireworks Permit or Fireworks Sales Permit application;
- k. light a fire on any land not his own without the written consent of the owner of the land;
- l. permit a fire lit by that Person to pass from his own land to the land of another Person;
- m. light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- n. conduct any activity that might reasonably be expected to cause a fire unless that Person exercises reasonable care to prevent a fire from occurring;
- o. conduct any activity that involves the use of a fire, where smoke produced by the fire may impede the visibility of vehicular and pedestrian traffic on any road or highway; or
- p. light a fire on lands owned or controlled by the Town except with the Town's express written consent.

Obstruction

16. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this Bylaw.

Offence

17. A person who contravenes this Bylaw is guilty of an offence.

Penalties

18. (1) A Person who contravenes any provision of this Bylaw, fails to comply with any condition in a Fire Permit or with any order or request directed to that person pursuant to this Bylaw is guilty of an offence and is liable, upon summary

conviction, to a fine not less than the specified penalties in Schedule B, or a fine of not more than \$10,000.

- (2) Without restricting the generality of subsection (1) the fine amounts set out in Schedule “B” of this Bylaw are established for use on Violation Tickets if a voluntary payment option is offered.

Violation Ticket

19. (1) A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended, to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
- a. specify the fine amount established by this Bylaw for the offence; or
 - b. require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

20. (1) A Person who commits an offence may:
- a. if the Violation Ticket is issued in respect of the offence; and
 - b. if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;
 - c. 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.
- (2) When the Clerk records in the Court records the receipt of a voluntary payment pursuant to Section 26(1) and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

Severability

- 21.

- (1) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Repeal

22. The following are hereby repealed:

- a. Bylaw No. 1774, as amended;
- b. Bylaw No. 1636, as amended;
- c. Bylaw No. 1501, as amended;
- d. Bylaw No. 1474, as amended.

Coming into Force

- 23. (1) With the exception of section 13, this Bylaw shall come into force on the beginning of the day on which it is passed;

(2) Section 13 of this Bylaw shall come into force January 1, 2018.

READ a FIRST time this 24 day of July, 2017.

READ a SECOND time this 25 day of September, 2017.

READ a THIRD TIME AND FINAL TIME this 25 day of September, 2017.


 MAYOR signed & passed on Oct 10, 2017


 CHIEF ADMINISTRATIVE OFFICER

- (1) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

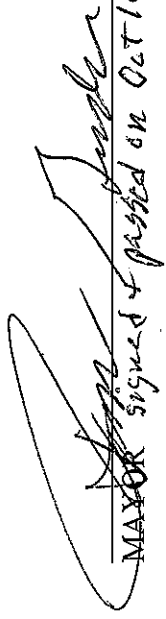
Repeal


22. The following are hereby repealed:

- a. Bylaw No. 1774, as amended;
- b. Bylaw No. 1636, as amended;
- c. Bylaw No. 1501, as amended;
- d. Bylaw No. 1474, as amended.

Coming into Force

23. (1) With the exception of section 13, this Bylaw shall come into force on the beginning of the day on which it is passed;
- (2) Section 13 of this Bylaw shall come into force January 1, 2018.
- READ a FIRST time this 24 day of July, 2017.
- READ a SECOND time this 25 day of September, 2017.
- READ a THIRD TIME AND FINAL TIME this 25 day of September, 2017.


 MAYOR signed & passed on Oct 10, 2017


 CHIEF ADMINISTRATIVE OFFICER

I hereby certify the foregoing to be a true copy of the original of which it purports to be a copy.

An Authorized Agent in and for the Province of Alberta

SCHEDULE A

Fire Department Fees

1. In this Bylaw, the fees for Fire Protection on any property other than provincial highways:

a) Rescue Unit/Pumper/Tanker	\$600.00 (per hour Provincial Call)
b) Rescue Unit/Pumper/Tanker	\$400.00 (per hour In Town)
c) Command Unit	\$100.00 (per hour)
d) Rescue Unit as a Command Unit	\$100.00 (per hour)
e) Bush Buggy	\$200.00 (per hour)
f) Fire Investigation	\$100.00 (per hour)

2. In this Bylaw the fees for Fire Protection responding within a provincial highway right of way shall be invoiced in accordance with Alberta Transportation Rates of Reimbursement for Fire Department Units.

SCHEDULE B

Specified Penalties

Section		
9.1	Lite fire without permit or exempt fire pit	\$250.00
9.2	Burn prohibited debris	\$250.00
11.1	Burn during a fire ban	\$1,000.00
13.1	Sell; purchase; or discharge fireworks in town limits	\$1,000.00
16	Obstruct persons authorized under bylaw	\$500.00

SCHEDULE C

[INSERT APPLICATION FEES (if desired)]