

FIRE SERVICES BYLAW
BYLAW No. 1005

A BYLAW OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA, BEING ENACTED FOR THE PURPOSE OF ESTABLISHING AND REGULATING FIRE PROTECTION

WHEREAS The *Municipal Government Act*, R.S.A. 2000 c. M-26, 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;

WHEREAS, The Municipal Government Act authorizes a municipality to provide services provided for on behalf of the municipality to another municipality; and

WHEREAS, Council for the Town of Milk River 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 Milk River, duly assembled, enacts as follows:

TITLE

1.1 This Bylaw may be cited as the "Fire Services Bylaw".

DEFINITIONS

2.1 In this Bylaw:

- (a) "**Apparatus**" means any vehicle provided with machinery, or Equipment for firefighting operated by or for Fire Services whether that vehicle operates on land, in the air, or on water;
- (b) "**Burnable Debris**" means, but is not limited to:
 - (i) Clean (non-treated), dry wood
 - (ii) Charcoal;
 - (iii) Natural Gas;
 - (iv) Propane;
- (c) "**Burning Barrel**" means, but not limited to, any non-combustible structure or container used for open burning of all material not listed as burnable debris.
- (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) "**CAO**" means the Chief Administrative Officer of the Town or their delegate;
- (f) "**Council**" means the municipal Council of the Town of Milk River;
- (g) "**Town**" means the Town of Milk River;
- (h) "**Dangerous Goods**" means those products or substances which are regulated by the *Dangerous Goods Transportation and Handling Act*;

- (i) **"Equipment"** means any tools, devices, materials or supplies used by or for Fire Services to respond to an Incident;
- (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, serious danger to persons or property, wherein such condition, circumstance, fire or other event does not, in fact, exist;
- (k) **"Fire Ban"** means an order issued by the Minister responsible for the *Forest and Prairie Protection Act*, or an order issued pursuant to this Bylaw, for the purpose of canceling all fire permits, prohibiting the lighting of, and requiring the extinguishment of all fires within the Town;
- (l) **"Fire Chief"** means the Town Fire Chief, or his designate;
- (m) **"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;
- (n) **"Fire Protection Area"** means the following geographic areas within the County of Warner No. 5 where Fire Protection is to be provided.
- (o) **"Fire Protection"** means any and all of the services enumerated in Section 3.1 and includes any other service delivered by or for Fire Services that is authorized by Council;
- (p) **"Fire Protection Charges"** means all costs incurred by or for Fire Services in providing Fire Protection both within and outside the Town's boundaries.
- (q) **"Fire Season"** means the period from April 1 to October 31 in each year or such extended or shortened period that the Minister responsible for the *Forest and Prairie Protection Act* may declare from time to time;
- (r) **"Fire Services"** means a department established and organized by the Town to provide Fire Protection and shall include all Members.
- (s) **"Fire Services Property"** means all real and personal property owned or controlled by the Town and designated for use by Fire Services including but not limited to Apparatus, Equipment and fire stations;
- (t) **"Incident"** means a fire or a situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or property;
- (u) **"Incident Command"** means the Fire Chief, or in the absence of the Fire Chief, the highest-ranking Member who first arrives at the scene of an Incident;
- (v) **Incinerator Fire** - shall mean any fire for the burning of wastes within the confines of an enclosed, non-burnable, container controlled for such purposes.
- (w) **"Member"** means any person who is duly appointed as a member of Fire Services and includes a Fire Chief;
- (x) **"Nuisance"** means the causing of opaque, dense and/or malodorous smoke by or from any fire permitted or allowed under this policy, at the discretion of the Fire Chief or his designate;
- (y) **"Peace Officer"** means a bylaw enforcement officer appointed by the Town pursuant to the *Municipal*

Government Act and includes members of the Royal Canadian Mounted Police and, when authorized, a community peace officer appointed under the *Peace Officer Act*.

- (z) **"Person"** means a natural person, an association of natural persons, a partnership or a corporation.
- (aa) **"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) 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) Residential and commercial paints and aerosols (pressurized or not)
 - (vii) Tires;
 - (viii) Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (ix) Used oil; and
 - (x) Wood or wood products containing substances for the purpose of preserving wood;
 - (xi) straw and stubble;
 - (xii) grass and weeds;
 - (xiii) leaves and tree pruning's;
 - (xiv) brush and fallen trees on newly cleared land or associated with logging operations;
 - (xv) used power, telegraph and telephone poles that do not contain wood preservatives;
 - (xvi) wooden materials, which do not contain wood preservatives, from the construction or demolition of buildings;
 - (xvii) solid waste from post and pole operations that does not contain wood preservatives; and,
 - (xviii) solid waste from tree harvesting operations;
- (bb) **"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;
- (cc) **"Violation Ticket"** means a violation ticket issued for an offence committed against any of the provisions of this Bylaw under Part 2 of the *Provincial Offences Procedure Act*;

FIRE SERVICES

3.1 Council hereby provides Fire Services in the Town for the purpose of:

- (a) Preventing and extinguishing fires;
- (b) Conducting and/or providing for the investigation of the cause of fires;
- (c) Preserving life and property and protecting persons and property from injury or destruction by fire;
- (d) Preventing prairie or running fires and enforcing the provisions of the *Forest Prairie and Protection Act*;
- (e) Preventing, combating and controlling Incidents;
- (f) Carrying out preventable controls;

- (g) Fulfilling the requirements of any mutual aid agreements with other municipalities;
- (h) Maintaining and operating Apparatus and Equipment for extinguishing fires and preserving life and property;
- (i) Providing medical co-response services, when requested by dispatch services;
- (j) Providing rescue services for motor vehicle collisions;
- (k) Conducting/providing for pre-fire planning and fire inspections;
- (l) Providing public education and information regarding fire safety; and
- (m) Training or other Member development in accordance with the policies and guidelines established by the Town from time to time and all applicable legislation.

3.2 By agreement with the County of Warner No. 5, Fire Protection shall be provided in the County of Warner No. 5.

AUTHORITY AND RESPONSIBILITY OF FIRE CHIEF

- 4.1 Fire Chief shall be appointed by Council and report to the CAO.
- 4.2 The Fire Chief shall be responsible to the CAO for the performance of his duties pursuant to this Bylaw and all applicable policies of the Town.
- 4.3 The Fire Chief shall be responsible for appointing a Deputy Fire Chief, whom will accept the role and responsibility of the Fire Chief in their absence.
- 4.4 The Fire Chief shall manage and administer the affairs of the Fire Department pursuant to this Bylaw, applicable Town policies, direction of the CAO, and agreements with other municipalities.
- 4.5 The Fire Chief may prescribe rules, regulations and policies for the ongoing organization and administration of Fire Services, including but not limited to: the appointment, recruitment, conduct, discipline, duties, training and responsibilities of members; the efficient operation of Fire Services; the operating procedures of the department; and may perform such other functions and have such other powers and responsibilities the CAO may from time to time prescribe.
- 4.6 The Fire Chief shall be responsible for supervising the Members and the day-to-day operation, maintenance and protection of Fire Services Property.
- 4.7 Subject to the approval of the CAO, the Fire Chief shall establish Standard Operational Guidelines for the provision of Fire Protection that are consistent with this Bylaw and all applicable policies of the Town.
- 4.8 The Fire Chief may dismiss Members from the Fire Department, in accordance with applicable Town guidelines.
- 4.9 The Fire Chief shall maintain and submit to CAO on a timely basis:
 - (a) Records of all business transactions of the Fire Department;
 - (b) Records of all Incidents attended by the Fire Department and actions taken;
 - (c) Any other records incidental to the operation of the Fire Department;

AUTHORITY AND RESPONSIBILITY OF MEMBERS

- 5.1 Members are responsible to the Fire Chief for the performance of their duties pursuant to this Bylaw and applicable policies of the Town.
- 5.2 Any Member charged with a duty under this Bylaw acting in good faith, is hereby relived from all personal liability for any damages that may occur to persons or property as a result of any act or omissions in the discharge of those duties.

AUTHORITY AND RESPONSIBILITY OF INCIDENT COMMAND

- 6.1 Incident Command at an Incident shall have control, direction and management of all Apparatus, Equipment and manpower assigned to that Incident and shall continue to act as the Incident Command until relieved by another Member authorized to do so.
- 6.2 Incident Command shall take action as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to:
 - (a) 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;
 - (b) 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;
 - (c) Request the RCMP, Peace Officers and Bylaw Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in subsection (b);
 - (d) Cause a building, structure or thing to be pulled down, demolished or otherwise removed;
 - (e) Request Town manpower and Equipment which he considers necessary to deal with an Incident; and
 - (f) Request any adult person who is not a Member, to assist in:
 - (i) Extinguishing a fire or preventing the spread thereof;
 - (ii) Removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
 - (iii) Demolishing a building or structure at or near the fire or other Incident.

PERMITTED AND PROHIBITED FIRES

- 7.1 No person shall light or cause to be lit any outdoor fire or permit any outdoor fire upon land owned or occupied by him or under his control within the boundaries of the Town unless the fire is a Recreational Fire or as otherwise provided for under this Bylaw
- 7.2 No person shall ignite, construct or create a fire within a **Burning Barrel**, in the Town limits.
- 7.3 No person shall ignite, construct or create a recreational fire in a park or public area unless the fire occurs at a location so designated within the park or public area, or in a device or structure so designated for that purpose in the park or public area.
- 7.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee, kindle a fire and let it become a running fire on any land not his / her own property or allow any fire to progress to the property of another.

- 7.5 No person shall light a permitted fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 7.6 No person shall permit a fire, or the smoke resulting from such fire, to become a nuisance as defined by this policy the key is consideration for others. No heavy smoke or noxious smelling fires shall be permitted. Should a complaint be received by the CPO, the site will be investigated and a determination will be made as to whether the fire should be extinguished.
- 7.7 No person, persons or corporation shall light, ignite, start or cause to be made an open fire of non-burnable debris, or cause or permit open burning unless it is in a gas fired incinerator for which approval to construct and a license to operate have been obtained in accordance with federal and provincial legislation.
- 7.8 When a fire is lit under the circumstances prohibited above, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall: extinguish the fire immediately, or when unable to extinguish the fire immediately, report the fire to the Fire Department.
- 7.9 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the Town.
- 7.9.1 Recreational Fires require:
- (a) A minimum of 3.0 metres clearance shall be maintained from buildings, property lines or any combustible material;
 - (b) Only clean, dry wood, charcoal, natural gas and propane to be burned;
 - (c) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal or other suitable non-combustible components;
 - (d) The fire pit or barbeque is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - (e) The fire pit or barbeque pit height does not exceed 0.6 metres when measured from the surrounding grade to the top of the pit opening;
 - (f) The fire pit or barbeque pit opening does not exceed 1.0 metre in width or in diameter when measured between the widest points or interior edges; and
 - (g) Is generally acceptable to the Fire Chief and to the Fire Safety Codes Officer having jurisdiction.
- 7.9.2 Outdoor fireplaces must meet the following requirements
- (a) A minimum of 1.0 metre clearance measured from the nearest fireplace side or rear edge, and 3.0 metres from the front edge is maintained from buildings, property lines, or other combustible material;
 - (b) The fireplace is constructed of materials, such as bricks or rocks, that are heat and flame resistant;
 - (c) The fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
 - (d) The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - (e) The base of the fire burning area is not less than 0.3 metres above the surrounding grade;
 - (f) The fire chamber does not exceed 1.25 metres in width, and is at least 0.4 metres but not more than 0.6 metres in depth; and
 - (g) Is generally acceptable to the Fire Chief and to the Fire Safety Codes Officer having jurisdiction.

FIRE BAN

- 8.1 The Town may, from time to time, prohibit all Fires in the Town, when in the opinion of the Fire Chief, Mayor and CAO that the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 8.2 A Fire Ban imposed pursuant to section 8.1 of this Bylaw shall remain in force until either the date provided in the notice of the Fire Ban or until such time as the Town provides notice to the public that the Fire Ban is no longer in effect.

- 8.3 Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signs posted throughout the municipality, in locations to be determined by the Town, through a public service message on the local radio stations, or by any other means which the Town determines is appropriate for the purpose of informing the public of the Fire Ban.
- 8.4 When a Fire Ban is in place, no person shall ignite any fire and shall immediately extinguish any fire lit once the person knows or ought reasonably to know of the Fire Ban.

FIRE PROTECTION CHARGES

- 9.1 Upon providing Fire Protection on a parcel of land within or outside 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; or
 - (b) The owner or occupant 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.
- 9.2 Fire Protection Charges shall be paid within sixty (60) days of receipt.
- 9.3 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.
- 9.4 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 favor of the Town from the date the amount was added to the tax roll, in accordance with section 553 of the *Municipal Government Act*.

NOTICE

- 10.1 Any notice provided for in this Bylaw shall be in writing.
- 10.2 Service of any notice provided for in this Bylaw may be made as follows:
- (a) Personally upon the person to be served; or to any person receiving it on his or her behalf; or
 - (b) By mailing the copy to the person to be served to the last known post office address of the person to be served.
 - (c) Where the Property is not occupied, by mailing the notice by regular mail to the mailing address noted on the Town tax roll for the Property.
 - (d) As directed by the courts.
- 10.3 Service is presumed to be effected under section 10.2:
- (a) Seven days from the date of mailing if the document is mailed in Alberta to an address in Alberta; or
 - (b) Subject to fourteen days from the date of mailing if the document is mailed in Canada to an address in

Canada; unless the document is returned to the sender other than by the addressee, or the document was not received by the addressee, the proof of which lies on the addressee.

INSPECTION AND ENFORCEMENT

- 11.1 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 of the owner of the parcel, and pursuing injunctions pursuant to the *Municipal Government Act*.
- 11.2 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 *Municipal Government Act*.

OFFENCES

12 No person shall:

- (a) Contravene any provision of this Bylaw;
- (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 Services;
- (c) Damage or destroy Fire Services Property;
- (d) Falsely represent himself as a Member;
- (e) Obstruct or otherwise interfere with access by Fire Services or Fire Services Property to:
 - (i) The scene of an Incident;
 - (ii) A fire hydrant or other body of water designated for firefighting purposes; or
 - (iii) To connections to fire mains, stand pipes, or sprinkler systems.
- (f) Cross any boundaries or limits established by the Fire Services in accordance with this Bylaw, without the express authorization of the Member in Charge;
- (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) Light a fire or cause a fire to be lit during a Fire Ban;
- (j) Provide false, incomplete or misleading information to the Fire Chief, a Member or a Peace Officer with respect to a fire;
- (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;
- (p) Use a fire to burn Prohibited Debris;
- (q) Have more than one false alarm over a twelve-month period;

PENALTIES

- 13.1 A person who contravenes any provision of this Bylaw 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 the specified penalty for the offence set out in Schedule "A".

VIOLATION TICKET

- 14.1 A RCMP Officer or Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any person who the RCMP Officer or Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 14.2 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

- 15.1 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;
- 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.
- 15.2 When the Clerk records in the Court records the receipt of a voluntary payment pursuant to Section 15.1 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

- 16.1 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.

APPEAL PROCESS

- 17.1 Residents may appeal any Fire Protection Charges or Penalties, by writing an appeal letter to Council.
- (a) Letters must include the following information; name, address, the address of incident, date of the incident, reasons for the appeal, evidence that is applicable and if you would like to participate as a delegation on the

next available Council meeting.

- (b) After Council has reached a decision on the appeal, affected parties will be notified of the decision within 5 business days.

REPEAL


17.1 Bylaw 939 as amended is hereby repealed.

17.2 Bylaw 940 as amended is hereby repealed.

EFFECTIVE DATE

18.1 This Bylaw shall come into force and effect upon third and final reading.

READ the first time in Council this 11th day of September, 2017.



Mayor David Hawco



CAO Ryan Leuzinger

Read the second and third time in Council this 10th day of October, 2017



Mayor David Hawco



CAO Ryan Leuzinger

SCHEDULE "A" – SPECIFIED PENALTIES

<u>OFFENCE</u>	<u>SPECIFIC PENALTY</u>
Contravention of any provision of this Bylaw	\$400.00
Second or subsequent offence within one (1) Year	\$600.00