

**TOWN OF MILK RIVER  
FIRE SERVICES  
BYLAW 1043-23**

**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; and
- b. The enforcement of bylaws.

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

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

AND WHEREAS Council for the Town of Milk River wishes to establish a fire department within the Town, provide for the efficient operation of such a fire department, 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:

**1. TITLE**

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

**2. DEFINITIONS**

2.1. In this Bylaw:

**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.

**Approved Fire** means a fire contained within a CSA certified barbecue, or a fire pit or outdoor fireplace that:

- has an opening, surface or cooking area of not more than 3800 square centimeters;
- has enclosed sides no greater than 46 centimeters above ground level;
- is constructed of bricks, concrete blocks or heavy gauge metal; and
- is covered with a spark arrestor mesh screen made with expanding metal, or
- an equivalent non-combustible material with openings no larger than 1.3 centimeters.

**Burnable Debris** means but is not limited to: Clean (non-treated), Dry Wood, Charcoal, Natural Gas, and Propane.

**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.

**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.

**CAO** means the Chief Administrative Officer of the Town or their delegate.

**Consumer Fireworks** means Fireworks listed as Class F.1 in Part 16 of the Explosives Regulations (also known as "low-hazard fireworks").

**Council** means the municipal Council of the Town of Milk River.

**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 shall include those products, substances and organisms described in the *Dangerous Goods Transportation and Handling Act*, RS.A. 2000, c. D-4, as amended, and the regulations there under.

**Designated Officer** shall mean the person appointed to the position or a member of the Royal Canadian Mounted Police or a Peace Officer appointed pursuant to the Peace Officer Act or a Bylaw Enforcement Officer.

**Display Fireworks** means Fireworks listed as Class F.2 in Part 18 of the Explosives Regulations (also known as "high-hazard fireworks").

**Equipment** means any tools, devices, materials, or supplies used by or for Fire Services to respond to an Incident.

**Explosives Act** means the Explosives Act, RSC 1985, c E-17, as amended or repealed and replaced from time to time.

**Explosives Regulations** means the Explosives Regulations, 2013, SOR/2013-211, as amended or repealed and replaced, from time to time.

**False Alarm** means any notification, by whatsoever 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.

**Fire Ban** means any fire ban, whether municipally or provincially declared, that prohibits fires in all or part of the Town.

**Fire Chief** means the Town Fire Chief, or their designate.

**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.

**Fire Protection Area** means the following geographic areas with the County of Warner No. 5 where Fire Protection is to be provided.

**Fire Protection** means any and all of the services enumerated in Section 3.1 and 3.2 and includes



any other service delivered by or for Fire Services that is authorized by Council.

**Fire Protection Charges** means all costs incurred by or for Fire Services in providing Fire Protection both within and outside the Town's boundaries.

**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.

**Fire Services** means a department established and organized by the Town to provide Fire Protection and shall include all Members.

**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.

**Fireworks** includes Consumer Fireworks, Display Fireworks and Special Effect Pyrotechnics, but does not include distress flares or any other pyrotechnic or any other explosive devices.

**Fireworks Permit** means a permit issued by the Fire Chief, pursuant to this Bylaw, authorizing a person to purchase, possess, handle, discharge, fire or set off Fireworks in the Town, and constitutes written permission for purposes of the Alberta Fire Code.

**Fireworks Sales Permit** means a permit, issued by the Fire Chief, pursuant to this Bylaw, authorizing a person to distribute, sell, possess, handle or store for the purpose of selling Fireworks in the Town, and constitutes written permission for purposes of the Alberta Fire Code.

**Incident** means a fire, explosion, rescue, alarm call, or any situation presenting a danger or a possible danger to life or property to which the Fire Department has responded.

**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.

**Incinerator Fire** means any fire for the burning of wastes within the confines of an enclosed, non-burnable, container controlled for such purposes.

**Member** means any person who is duly appointed as a member of Fire Services, including part time or volunteer members, the Fire Chief, and any Officer.

**Nuisance** means the causing of opaque, dense and/or malodorous smoke by or from any fire permitted or allowed under this Bylaw, at the discretion of the Fire Chief or their designate.

**Person** means a natural person, an association of natural persons, a partnership, or a corporation.

**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:

- Animal manure;
- Pathological waste;
- Non-wooden material;
- Waste material from building or construction sites, excluding wooden materials that do not



- contain wood preservatives;
- Combustible material in automobile bodies;
- Residential and commercial paints and aerosols (pressurized or not)
- Tires;
- Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
- Used oil;
- Wood or wood products containing substances for the purpose of preserving wood;
- straw and stubble;
- grass and weeds;
- leaves and tree pruning's;
- brush and fallen trees on newly cleared land or associated with logging operations;
- used power, telegraph and telephone poles that do not contain wood preservatives;
- wooden materials, which do not contain wood preservatives, from the construction or demolition of buildings;
- solid waste from post and pole operations that does not contain wood preservatives; and,
- solid waste from tree harvesting operations;

**Special Effect Pyrotechnics** means Fireworks listed as Class F.3 in Part 17 of the Explosives Regulations.

**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.

**Town** means the municipal corporation of the Town of Milk River.

**Violation Ticket** means a violation ticket issued pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, C. P-34, as amended, and the regulations thereunder.

### 3. FIRE SERVICES

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

- 3.1.1 Preventing and extinguishing fires;
- 3.1.2 Preserving life and property and protecting persons and property from injury or destruction by fire, natural disasters and Dangerous Goods;
- 3.1.3 Preventing prairie or running fires and enforcing the provisions of the *Forest Prairie and Protection Act*;
- 3.1.4 Preventing, combating and controlling Incidents;
- 3.1.5 Carrying out preventable controls;
- 3.1.6 Fulfilling the requirements of any mutual aid agreements with other municipalities;
- 3.1.7 Maintaining and operating Apparatus and Equipment for extinguishing fires and preserving life and property;
- 3.1.8 Providing medical co-response services, when requested by dispatch services;
- 3.1.9 providing emergency medical response, excluding ambulance services;



- 3.1.10 Providing rescue services;
  - 3.1.11 Providing public education and information regarding fire safety;
  - 3.1.12 Training or other Member development in accordance with the policies and guidelines established by the Town from time to time and all applicable legislation; and
  - 3.1.13 Responding to, and mitigating Dangerous Goods Incidents, and/or retaining third parties to provide assistance with such Incidents, when necessary.
- 3.2 By agreement with the County of Warner No. 5, Fire Protection shall be provided in the County of Warner No. 5.

#### **4. AUTHORITY AND RESPONSIBILITY OF FIRE CHIEF**

- 4.1 Fire Chief shall be appointed by, and report to, the Chief Administrative Officer.
- 4.2 The Fire Chief shall be responsible to the CAO for the performance of 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, who 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 and the Province of Alberta.
- 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:
  - 4.9.1 Records of all business transactions of the Fire Department;
  - 4.9.2 Records of all Incidents attended by the Fire Department and actions taken; and
  - 4.9.3 Any other records incidental to the operation of the Fire Department.





- 4.10 The Fire Chief may, subject to the Council approved budget, appoint as many Members and Officers as the Fire Chief deems required for the operation of the Fire Department.
- 4.11 The Fire Chief has complete responsibility and authority over the Fire Department, and the delivery of Fire Protection, subject to:
  - 4.11.1 this Bylaw;
  - 4.11.2 all applicable Town policies and guiding documents;
  - 4.11.3 the direction the Chief Administrative Officer; and
  - 4.11.4 the direction of Council.

## **5. 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 relieved 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.

## **6. 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 another emergency and is authorized to:
  - 6.2.1 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;
  - 6.2.2 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;
  - 6.2.3 Request the Designated Officer to enforce restrictions on persons entering within the boundaries or limits outlined in subsection 6.2.2;
  - 6.2.4 Cause a building, structure or thing to be pulled down, demolished or otherwise removed;
  - 6.2.5 Request Town manpower and Equipment which is considered necessary to deal with an Incident; and
  - 6.2.6 Request any adult person who is not a Member, to assist in:





6.2.6.1 Extinguishing a fire or preventing the spread thereof;

6.2.6.2 Removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and

6.2.6.3 Demolishing a building or structure at or near the fire or other Incident.

## **7. REQUIREMENT TO REPORT**

- 7.1 The owner of any Property damaged by fire shall immediately report the particulars of such fire to the Fire Department.
- 7.2 The owner of any Property upon which Dangerous Goods have been spilled or released shall immediately report particulars of such spill or release to the Fire Department.
- 7.3 Any person who has spilled or released any Dangerous Good shall immediately report particulars of such spill or release to the Fire Department.

## **8. PERMITTED AND PROHIBITED FIRES**

- 8.1 No person shall light or cause to be lit any outdoor fire or permit any outdoor fire upon land owned or occupied by themselves or under their control within the boundaries of the Town unless the fire is a Recreational Fire or as otherwise provided for under this Bylaw.
- 8.2 No person shall ignite, construct, or create a fire within a Burning Barrel, in the Town limits.
- 8.3 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.
- 8.4 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 their own property or allow any fire to progress to the property of another.
- 8.5 No person shall light a permitted fire without first taking sufficient precaution to ensure that the fire can be always kept under control.
- 8.6 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 Designated Officer, the site will be investigated, and a determination will be made as to whether the fire should be extinguished.
- 8.7 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.
- 8.8 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.





- 8.9 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the Town.
- 8.10 Recreational Fires require:
- 8.10.1 A minimum of 3.0 metres clearance shall be maintained from buildings, property lines or any combustible material;
  - 8.10.2 Only clean, dry wood, charcoal, natural gas and propane to be burned;
  - 8.10.3 Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal or other suitable non-combustible components;
  - 8.10.4 The fire pit or barbeque is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - 8.10.5 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;
  - 8.10.6 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
  - 8.10.7 Is generally acceptable to the Fire Chief having jurisdiction.
- 8.11 Outdoor fireplaces must meet the following requirements:
- 8.11.1 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;
  - 8.11.2 The fireplace is constructed of materials, such as bricks or rocks, that are heat and flame resistant;
  - 8.11.3 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;
  - 8.11.4 The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - 8.11.5 The base of the fire burning area is not less than 0.3 metres above the surrounding grade;
  - 8.11.6 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
  - 8.11.7 Is generally acceptable to the Fire Chief having jurisdiction.

## **9. FIREWORKS: FIREWORKS PERMIT**

- 9.1. No person shall purchase, possess, handle, discharge, fire or set off Fireworks within the Town unless they hold a valid Fireworks Permit.





- 9.2. An application for a Fireworks Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Town, no less than five (5) business days prior to the date on which the Fireworks are to be discharged.
- 9.3. A person who submits an application for a Fireworks Permit shall pay any applicable fee set out in the Rates Bylaw.
- 9.3.1. Upon receipt of a completed application for a Fireworks Permit, and the fee contemplated by subsection 10.3, the Fire Chief may, in their discretion:
- 9.3.1.1. refuse to issue a Fireworks Permit; or
  - 9.3.1.2. issue a Fireworks Permit, with or without conditions.
- 9.5. No person shall apply for a Fireworks Permit, and no Fireworks Permit shall be issued:
- 9.5.1 in respect of Special Effect Pyrotechnics, unless the applicant holds the required fireworks operator certificate for the use of Special Effect Pyrotechnics, issued pursuant to the Explosives Act and the regulations thereunder.
- 9.6. No person under the age of eighteen (18) years shall apply for, or be issued, a Fireworks Permit.
- 9.7. A Fireworks Permit shall include:
- 9.7.1 the time(s) and date(s) for which the Fireworks Permit is valid;
  - 9.7.2 the location(s) where the Fireworks may be discharged; and
  - 9.7.3 which shall constitute terms and conditions of the Fireworks Permit.
- 9.8. No person shall purchase, possess, handle, discharge, fire or set off Fireworks in a manner that is contrary to the terms and conditions of a Fireworks Permit, or otherwise contravene any term or condition of a Fireworks Permit.
- 9.9. Any person purchasing, possessing, handling, discharging, firing, or setting off Fireworks shall keep the Fireworks Permit available for immediate production to a Member or Designated Officer upon demand.
- 9.10. The Fire Chief may suspend or revoke a Fireworks Permit if, in the opinion of the Fire Chief, acting reasonably:
- 9.10.1 the holder of the Fireworks Permit has contravened this Bylaw, the Alberta Fire Code, applicable legislation or the terms and conditions of the Fireworks Permit; or
  - 9.10.2 the suspension or revocation of the Fireworks Permit is necessary or desirable for the protection of persons or Property.
- 9.11. The person to whom a Fireworks Permit is issued shall:
- 9.11.1 ensure that no fire or other damage occurs as a result of Fireworks or Fireworks debris;





9.11.2 in the event that a fire occurs, extinguish the fire immediately or contact the Fire Department without delay;

9.11.3 ensure that no Fireworks debris or other waste is left behind after the Fireworks are discharged;

9.11.4 ensure that:

9.11.4.1 where Consumer Fireworks or Display Fireworks are to be discharged, all requirements of the most recent version of the Display Fireworks Manual published by Natural Resources Canada, are complied with;

9.11.4.2 where Special Effect Pyrotechnics are to be discharged, all requirements of the most recent version of the Special Effect Pyrotechnics Manual, published by Natural Resources Canada, are complied with; and

9.11.4.3 all Alberta Fire Code and Fireworks Permit requirements regarding the discharge of Fireworks is complied with.

9.12 In the event that Fireworks are discharged without a valid Fireworks Permit, the person who causes a Firework to be ignited shall be accountable for those responsibilities listed in subsection 9.11 above.

## **10. FIREWORKS: FIREWORKS SALES PERMITS**

10.1. No person shall sell, offer for sale or store for the purpose of sale, Fireworks within the Town unless they hold a valid Fireworks Sales Permit.

10.2. An application for a Fireworks Sales Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Town.

10.3. A person who applies for a Fireworks Sales Permit shall pay any applicable fee set out in the Rates Bylaw.

10.4 Upon receipt of a completed application for a Fireworks Sales Permit, and the fee contemplated by subsection 10.3, the Fire Chief may, in their sole discretion:

10.4.1 refuse to issue a Fireworks Sales Permit; or

10.4.2 issue a Fireworks Sales Permit, with or without conditions.

10.5 A Fireworks Sales Permit shall expire one (1) year after the date on which the Firework Sales Permit was issued unless the Fireworks Sales Permit establishes a shorter time period.

10.6 All requirements for Fireworks sales found in the Alberta Fire Code are deemed to constitute terms and conditions of any Fireworks Sales Permit.

10.7 No person shall sell, offer for sale or store for the purposes of sale, Fireworks in a manner that is contrary to the terms and conditions of a Fireworks Sales Permit, or otherwise contravene any term of condition of a Fireworks Sales Permit.





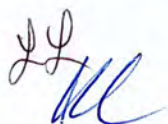
- 10.8 A person that has been issued a Fireworks Sales Permit shall post the Fireworks Sales Permit in a manner clearly visible to the public at the premises where the Fireworks are sold, offered for sale, or stored for the purpose of sale.
- 10.9 The Fire Chief may suspend or revoke a Fireworks Sales Permit if, in the opinion of the Fire Chief, acting reasonably:
- 10.9.1 the holder of the Fireworks Sales Permit has contravened this Bylaw, the Alberta Fire Code, applicable legislation or the terms and conditions of the Fireworks Sales Permit; or
- 10.9.2 the suspension or revocation of the Fireworks Sales Permit is necessary or desirable for the protection of persons or Property.

## **11. FIRE BAN**

- 11.1. 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.
- 11.2. 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.
- 11.3. 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 through electronic communications, or by any other means which the Town determines is appropriate for the purpose of informing the public of the Fire Ban.
- 11.4. 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.

## **12. FIRE PROTECTION CHARGES**

- 12.1 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;
- 12.1.1 The person or persons causing or contributing to the fire; or
- 12.1.2 The owner or occupant of the parcel of land;
- 12.1.3 The person with control over the parcel of land on which Fire Protection was provided, which may include, without restriction, a property manager; and
- 12.1.4 the person or persons who requested the Fire Protection;
- and all persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Town.
- 12.3 Fire Protection Charges shall be paid within sixty (60) days of receipt.





- 12.4 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.
- 12.5 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 *Municipal Government Act*.
- 12.6 Where the Fire Department has responded to a motor vehicle collision, the Town may, in its discretion, charge Fire Protection Charges to any or all of the following persons, in addition to those persons identified in subsection 12.1:
- 12.6.1 the owners of motor vehicles involved in the collision; and
- 12.6.2 where the motor vehicle collision has occurred on a provincial highway, the Government of Alberta;
- and all persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Town.
- 12.7 Without limiting the generality of subsection 12.1, the Town may charge a fee, set out in the Rates Bylaw, if the Fire Department responds to a Security Alarm that has been routed to the Fire Department, and such fee may be charged to any person who caused or contributed the triggering of the Security Alarm, in addition to those persons identified in subsection 12.1.
- 12.8 Without limiting the generality of subsection 12.1:
- 12.8.1 the Town may charge a fee, set out in the Rates Bylaw, when the Fire Department responds to more than two (2) False Alarms originating from the same alarm system or Property within the same calendar year, and such a fee may be charged to any person who caused or contributed to the False Alarm, in addition to those persons identified in subsection 12.1;
- 12.8.2 if the Fire Department receives a False Alarm, but is advised that the notification received was a False Alarm before any Fire Department Apparatus has left the fire station and, as a consequence, only one Fire Department Apparatus responds in order to reset the alarm system, the applicable fee payable pursuant to subsection shall be reduced by fifty (50%) percent; and
- 12.8.3 for greater certainty, the fee reduction described in subsection (12.8.2) shall apply to False Alarms only and shall not apply to Security Alarms routed to the Fire Department.
- 12.9 Without limiting the generality of subsection 12.1, where the Fire Department has attended at a Property in response to an alarm, call or notification of any kind, including a False Alarm or Security Alarm, and:
- 12.9.1 the Property is not equipped with a Fire Department approved lock-box, in an accessible location on the Property, that contains current keys and/or access codes capable of providing the Fire Department with access to the building;





and

12.9.2 the owner or occupant of the Property, or other person with control of the Property, does not provide the Fire Department with access to the interior of the building within fifteen (15) minutes of the Fire Department's arrival at the Property;

the Town may impose a response fee for a single engine Apparatus, as set out in the Rates Bylaw, which fee shall be applied to the period of time from the Fire Department's arrival at the Property until access has been provided to the interior of the building, and such charge shall be payable in addition to any other Fire Protection Charges that may be applicable in the circumstances.

- 12.10 For greater certainty, the rates, fees and charges described in subsections 12.7 to 12.9 are Fire Protection Charges, and subsection 12.1 applies to these rates, fees and charges.
- 12.11 Fire Protection Charges imposed by the Town shall be paid, in full, on or before the due date imposed by the Town.
- 12.12 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.
- 12.13 Without limiting subsection 12.1, the owner of a parcel of land within the Town is liable for Fire Protection Charges that are specifically related to the Fire Department extinguishing fires on the parcel of land, and the Town may add, to the tax roll of the parcel of land, all unpaid Fire Protection Charges that are related to the Fire Department extinguishing fires on the parcel, 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 *Municipal Government Act*.

### 13. NOTICE

- 13.1. Any notice provided for in this Bylaw shall be in writing.
- 13.2. Service of any notice provided for in this Bylaw may be made as follows:
- 13.2.1. Personally upon the person to be served; or to any person receiving it on their behalf; or
- 13.2.2. By mailing the copy to the person to be served to the last known post office address of the person to be served.
- 13.2.3. 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.
- 13.2.4. As directed by the courts.
- 13.3 Service is presumed to be effected under section 13.2:
- 13.3.1 Seven days from the date of mailing if the document is mailed in Alberta to an





address in Alberta; or

- 13.3.2 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.

#### **14. 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 of the owner of the parcel, and pursuing injunctions pursuant to the *Municipal Government Act*.
- 14.2. 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*.

#### **15. OFFENCES**

15.1. No person shall:

- 15.1.1. Contravene any provision of this Bylaw;
- 15.1.2. 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;
- 15.1.3. Damage or destroy or interfere with the operation of any Apparatus, Equipment or Fire Services Property; A person who has damaged or destroyed any Apparatus, Equipment or Fire Department Property shall, in addition to any penalty imposed pursuant to this Bylaw, be liable for, and pay upon demand, all costs incurred by the Town to repair or replace the Apparatus, Equipment or Fire Department Property in question.
- 15.1.4. Falsely represent oneself as a Member, or other person affiliated with the Fire Department, including by, without limiting the generality of the foregoing, wearing or displaying any insignia or materials of the Fire Department, without authorization from the Fire Chief;
- 15.1.5. Obstruct or otherwise interfere with access by Fire Services or Fire Services Property to:
- 15.1.5.1. The scene of an Incident;
- 15.1.5.2. A fire hydrant or other body of water designated for firefighting purposes; or
- 15.1.5.3. Connections to fire mains, standpipes, or sprinkler systems.
- 15.1.6. Cross any boundaries or limits established by the Fire Services in accordance with this Bylaw, without the express authorization of the Member in Charge;





- 15.1.7 Cause or permit a Burning Hazard or Fire Hazard to exist on a parcel of land;
- 15.1.8 Deposit, discard or abandon any burning matter or substance in a location where it may reasonably be expected to ignite other material and cause a fire;
- 15.1.9 Light a fire or cause a fire to be lit during a Fire Ban;
- 15.1.10 Provide false, incomplete or misleading information to the Fire Chief, a Member or a Designated Officer with respect to a fire;
- 15.1.11 Light a fire on any land not their own without the written consent of the owner of the land;
- 15.1.12 Permit a fire lit by that person to pass from their own land to the land of another person;
- 15.1.13 Light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- 15.1.14 Conduct any activity that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent a fire from occurring;
- 15.1.15 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;
- 15.1.16 Use a fire to burn Prohibited Debris;
- 15.1.17 Have more than one false alarm over a twelve-month period.

## **16. PENALTIES**

- 16.1. 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".

## **17. VIOLATION TICKET**

- 17.1. A Designated Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 17.2. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
  - 17.2.1. Specify the fine amount established by this Bylaw for the offence; or
  - 17.2.2. Require a person to appear in court without the alternative of making a voluntary payment.

## **18. VOLUNTARY PAYMENT**

- 18.1. A person who commits an offence may:





- 18.1.1. If the Violation Ticket is issued in respect of the offence; and
- 18.1.2. 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.

- 18.2. When the Clerk records in the Court records the receipt of a voluntary payment pursuant to Section 18.1 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.

## 19. SEVERABILITY

- 19.1. 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.

## 20. APPEAL PROCESS

- 20.1. Residents may appeal any Fire Protection Charges or Penalties, by writing an appeal letter to Council.

20.1.1. 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.

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

## 21. REPEAL

- 21.1. Bylaw 1005 is hereby repealed.

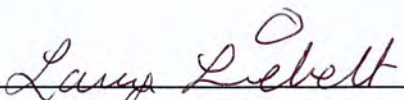
## 22. EFFECTIVE DATE

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

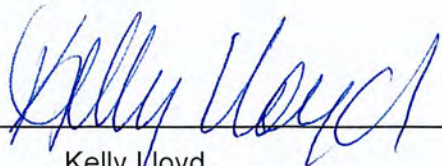
READ a first time this 14<sup>th</sup> day of August 2023.

Read the second time this 8<sup>th</sup> day of January 2024.

Read a third time and passed this 8<sup>th</sup> day of January 2024.



Larry Liebelt  
Mayor



Kelly Lloyd  
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 8<sup>th</sup> day of January 2024.