

BYLAW NO. 1133/2017
(Fire Services Bylaw)

A BYLAW OF THE VILLAGE OF DELBURNE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH FIRE SERVICES IN AND FOR THE VILLAGE OF DELBURNE.

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, provides that the Council of a Municipality may pass a Bylaw for the safety, health and welfare of people, and the protection of people and property, and for services provided by or on behalf of the Municipality;

WHEREAS the *Forest and Prairie Protection Act* provides certain discretionary and mandatory powers to enable a municipality to carry out and enforce the provisions of the *Forest and Prairie Protection Act* within its boundaries as applicable; and

AND WHEREAS the Council of the Village of Delburne wishes to establish a fire services and provide for efficient operation of such a service.

NOW THEREFORE, the Council of the Village of Delburne, of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 – NAME OF BYLAW

1.1 This bylaw may be cited as “The Fire Services Bylaw.”

SECTION 2 – DEFINITIONS

In this Bylaw, unless the content otherwise requires:

2.1 *Acceptable Fire Pit* means an outdoor receptacle that meets the following specifications:

- (a) A minimum of 3 meters clearance, measured from the nearest fire pit edge to the nearest edge of building, property line, or other combustible material;
- (b) A height not exceeding 0.6 meters when measured from the surrounding grade to the top of the pit opening;
- (c) Equipped with a mesh screen with opening no larger than 12.5mm;
- (d) Enclosed sides made form bricks, concrete blocks, heavy gauge metal, or other non-combustible materials; and
- (e) Not located over any underground utilities or under any above ground wires.

2.2 *Acceptable Fireplace* means an outdoor receptacle that meets the following specifications:

- (a) A minimum of 1 meter clearance measured form the nearest fireplace edge to the nearest edge of buildings, property lines, or other combustible material;
- (b) Constructed of materials such as bricks or rocks that are non-combustible;
- (c) Equipped with a chimney that is not less than 2.5 meters in height when measured from the base of the fire burning area;
- (d) A chimney 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 meters above he surrounding grade; and
- (f) The fire chamber does not exceed 1.25 meters in width and is at least 0.4 meters but not more than 0.6 meters in depth.

2.3 *Burning Hazard* means an actual or potential occurrence of the fire or other combustion of organized material that could endanger human life or property or damage property.

- 2.4 *Bylaw Officer* means a Bylaw Enforcement Officer appointed by the Village of Delburne under Section 555 (1) of the *Municipal Government Act*.
- 2.5 *Bylaw Ticket* means a ticket or similar document issued by the Village pursuant to the *Municipal Government Act*.
- 2.6 *Council* means Council of the Village of Delburne.
- 2.7 *Village or Village of Delburne* means the Municipality of the Village of Delburne in the Province of Alberta.
- 2.8 *Chief Administrative Officer* means that person appointed to the position and title by the Municipal Council of the Village of Delburne and includes any person appointed by the Chief Administrative Officer to act as his/her appointee.
- 2.9 *Dangerous Goods* means any product, substance or organism specified in the Regulations or included by its nature in any of the classes listed in the regulations under the *Transportation of Dangerous Goods Act*.
- 2.10 *Emergency Unit* means a fire truck, pumper truck, rescue truck, ambulance, mobile Command unit, brush truck, dangerous goods unit, tanker, enforcement vehicle or other vehicle designated by Fire Services.
- 2.11 *False Alarm* means any fire alarm that is set off needlessly, through willful, accidental, human, or mechanical error, and to which Fire Services responds.
- 2.12 *Fire Chief* means the Fire Chief of any of the Red Deer County Fire Districts (the Fire Services for the Village of Delburne has been taken over by Red Deer County), howsoever named, or his/her designate.
- 2.13 *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.
- 2.14 *Fire Permit* means a document in the form prescribed by Fire Services as applicable.
- 2.15 *Fire Services* means the Red Deer County Fire Services, a Department, as established pursuant to the laws of Alberta and organized for the Village of Delburne pursuant to the provisions of this bylaw and a signed agreement with the Village of Delburne, consisting of, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials, and supplies used in the operation, maintenance and administration of the Red Deer County Fire Services, including fire stations.
- 2.16 *Fireworks* means the fireworks listed in the Explosives Regulations (Canada) and the Alberta Fire Code.
- 2.17 *Incident* means a fire, or a situation where a fire or an explosion is imminent, or any other situation presenting a danger or possible danger to life or property and to which Fire Services may respond.
- 2.18 *Incinerator Fire* means a fire, which is set for the purpose of burning refuse, that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size not larger than 13 millimeters, and which is ventilated in such a manner as to preclude the escape of combustible materials including ash.

- 2.19 *Member* means any person who is a duly appointed member of the Fire Services Whether that member is full time, part time, paid or a volunteer.
- 2.20 *Open Fire* means any fire which is not an acceptable Incinerator Fire or Fire Pit Fire and which, without limiting the generality of the foregoing, may include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.
- 2.21 *Peace Officer* means a member of the Royal Canadian Mounted Police or a member of the Red Deer County Patrol who is appointed by the Province of Alberta as a peace officer with authority within the Village of Delburne.
- 2.22 *Portable Appliance* means any appliance sold or constructed for the purpose of cooking food in the out of doors.
- 2.23 *Prohibited Debris* means any material that, when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:
- (a) Animal cadavers;
 - (b) Animal manure;
 - (c) Chemicals and chemical containers;
 - (d) Combustible material in automobiles;
 - (e) Non-wooden material;
 - (f) Paints and painting materials;
 - (g) Pathological waste;
 - (h) Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (i) Solid waste from sawmills or planing mills with an annual production in excess of 6500 cubic meters of lumber;
 - (j) Tires;
 - (k) Toxic substances;
 - (l) Unused oil; or
 - (m) Wood or wood products containing substances for the purposes of preserving wood.
- 2.24 *Running Fire* means a fire burning without being under the control of any person.

SECTION 3 – SERVICES PROVIDED

- 3.1 Services may be provided by Red Deer County Fire Services for the purposes of:
- (a) Preventing and extinguishing fires;
 - (b) Investigating the cause of fires in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;
 - (c) Preserving life and property and protecting persons and property from injury or destruction by fire;
 - (d) Providing rescue services;
 - (e) Preventing, combating, and controlling incidents;
 - (f) Carrying out preventative patrols, pre-fire planning and fire inspections in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;

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- (g) Entering into agreements with other Municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
- (h) Purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property, in accordance with approved budgets;
- (i) Enforcing the provisions of the *Safety Codes Act* and its regulations; and
- (j) Provide a tiered medical response.

SECTION 4 – DELEGATION OF AUTHORITY

4.1 Council hereby delegates the following authorities:

- (a) A Fire Chief or any Member acting in his/her position is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
- (b) A Fire Chief or any Member acting in his position is empowered to cause any Member to enter on any land or premises, including adjacent land or premises, to combat, control or deal with an Incident in whatever manner Fire Services, a Fire Chief, or any other Member in charge at an Incident deems necessary.
- (c) Fire Services is authorized to issue Fire Permits and to issue invoices for services provided and any other document in the name of the Village, which may be required for the efficient operations of Fire Services within the Village.
- (d) For the purpose of fire control, Fire Services or nay Member may enforce a partial or total fire ban. Local media will be notified and appropriate internet sites posted when a fire ban is imposed or lifted.
- (e) For the purpose of fire control, Fire Services or any Member may enforce a fire ban in specified areas.

4.2 Fire Services may seek the assistance of any department or official of Red Deer County as it deems necessary to fulfill its duties hereunder.

4.3 A Fire Chief or any Member acting in his position, who is a qualified Safety Codes Officer with Designation of Powers within the Village, is hereby authorized to perform those obligations outlined in the joint Quality Management Plan under the supervision of the Chief Administrative Officer who is responsible for the Plan.

SECTION 5 – CONTROL OF FIRE OR BURNING HAZARDS

5.1 If Fire Services finds within the Village boundaries, on privately owned land or occupied public land, conditions that in the opinion of Fire Services constitute a Fire Hazard or a Burning Hazard, it may order the owner or the person in control of the land on which the Fire Hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by Fire Services.

5.2 When Fire Services finds that an order made pursuant to Section 5.1 has not been carried out, Fire Services may enter on the land with any equipment and persons it considers necessary and may perform the required work.

5.3 Where work was performed pursuant to Section 5.2:

- (a) The owner or person in control of the land shall on demand reimburse the Village of Delburne for the cost of the work performed; and
- (b) The Village of Delburne may recover such fees and charges as debt due and owing to the Village of Delburne; and
- (c) Where the fees and charges are not paid, such fees or charges may be charged against the land as a lien in respect of that land and improvements.

SECTION 6 – REPORTING OF FIRES

- 6.1 The owner or his authorized agent of any property damaged by fire shall immediately report to Fire Services particulars of the fire in a manner and detail satisfactory to Fire Services.
- 6.2 The owner or his authorized agent of any property containing a dangerous good(s) product which sustains an accidental or unplanned release of the dangerous good(s) product shall immediately report to Fire Services particulars of the release in a manner satisfactory to Fire Services.

SECTION 7 – FIRE PERMIT REQUIREMENTS

- 7.1 No person shall ignite or maintain an Open Fire or any fire upon land owned, occupied or under his control within the Village, unless a Fire Permit has been obtained, the provisions outlined on the permit are complied with, and burnable debris is burned.
- 7.2 A Fire Permit, with site inspection by Fire Services, is required year round for any burning, including Acceptable Fire Pits.
- 7.3 Notwithstanding Section 7.1, a Fire Permit shall not be required under this Bylaw to conduct:
 - (a) The cooking of food using a portable appliance; or
 - (b) Recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Fireplaces, provided:
 - i. Only clean fuel is used such as natural gas, dry wood or charcoal in amounts, which will be contained within the fire pit or fireplace below the mesh screen;
 - ii. The fire pit or fireplace is not used to burn prohibited debris;
 - iii. A means, acceptable to Fire Services, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - iv. A responsible adult is present on the property when the fire is burning; or
 - (c) The fire has been set by Fire Services for the purpose of training; or
 - (d) The fire has been otherwise authorized by Fire Services.
- 7.4 No person shall set, permit or maintain any Open Fire at any time of the year such that the smoke emitted from the fire impairs visibility on a highway or which, in the sole discretion of Fire Services, becomes a nuisance or safety concern on any highway or property. The person who set, permitted or maintained such Open Fire shall extinguish the fire immediately upon the order of Fire Services.

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SECTION 8 – FIRE PERMIT APPLICATION PROCESS

- 8.1 Any person wishing to obtain a Fire Permit for any area within the Village shall apply through Fire Services.
- 8.2 An application for a Fire Permit shall be on the form required by Fire Services and may be made in person or via telephone. Each permit application and Fire Permit shall contain the following information:
- (a) The name, address and telephone number, if applicable, of the applicant,
 - (b) The reason a Fire Permit is required,
 - (c) The legal description of the land upon which the fire will be set and the exact location of the fire on those lands including the municipal address where applicable,
 - (d) The type of combustible material which will be burned,
 - (e) Any precautions that will be taken by the applicant to maintain control of the fire,
 - (f) The time for which the Fire Permit will remain valid,
 - (g) The signature of the Issuer of the Fire Permit.
- 8.3 Fire Services, in its sole discretion, may terminate or suspend a Fire Permit or application at any time.
- 8.4 Upon request for a Fire Permit, Fire Services shall consider the permit application and may in his sole discretion:
- (a) Refuse to grant a Fire Permit;
 - (b) Grant a permit with or without terms and conditions as deemed appropriate; or
 - (c) Determine that a Fire Permit is not required.
- 8.5 A Fire Permit, when issued, will be at no cost to the applicant.
- 8.6 A Fire Permit shall not be transferable.
- 8.7 Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by Fire Services and the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 8.8 Fire Services may extend in writing the period of time that a Fire Permit is valid provided the Fire Permit has not expired.

SECTION 9 – FIRE SERVICES FEES

- 9.1 Where Fire Services has taken any action whatsoever for the purpose of Fire Services, including and not limited to, site inspections for regulated occupancies; requested site inspections and required fire investigations; business inspections; fire search; report copies; duplicate of photograph; photocopy of photograph; permit to discharge fire works (high hazard); site inspection, the applicable fee as set out in Red Deer County fee Bylaw shall be paid to Red Deer County.

- 9.2 Where Fire Services has extinguished a fire or responded to an Incident within the Village for the purpose of preserving life or property from injury or destruction by fire or other Incident, including any such action taken by Fire Services on a False Alarm, the County may, in respect of any costs incurred by Fire Services in taking such action charge any costs so incurred by Fire Services to:
- (a) The person who caused the Incident;
 - (b) The owner of the land or the person in possession where the Incident occurred;
 - (c) The owner of property where the person in possession and control of property which is the situate of the Incident if not located on privately owned land.
- 9.3 The schedule of fees and charges to be charged by Red Deer County for services rendered pursuant to this Bylaw shall be as set out in Red Deer County Fee Bylaw. Fire Services, upon approval and ratification by Council, may determine the application of fees and charges from time to time.
- 9.4 In respect of the fees or charges described in Red Deer County Fee Bylaw:
- (a) The County may recover such fees or charges as a debt due and owing to the County; or
 - (b) In the case of action taken by Fire Services in respect of land within the Village, where the fees or charges are not paid upon demand by the County, then in default of payment, such fees or charges may be charged against the land as a lien in respect of that land and improvements.

SECTION 10 – OFFENCES/RESTRICTIONS

- 10.1 When a fire is lit or ignited without the appropriate Fire Permit, except a fire described in Section 7.3, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
- (a) Extinguish the fire immediately; or
 - (b) Where he is unable to extinguish the fire immediately, report the fire to Fire Services.
- 10.2 No person shall either directly or indirectly, personally or through an agent, servant or employee, kindle a fire, whether a Fire Permit was obtained for that fire, or whether the fire did not require a Fire Permit, and allow it to become a Running Fire on any land, including his own property, or allow a Running Fire to pass from his property, or property under his control, to the property of another.
- 10.3 No person shall:
- (a) Light an Open Fire, Acceptable Fireplace fire or Acceptable Fire Pit fire without first taking sufficient precaution to ensure that the Fire can be kept under control at all times;
 - (b) Light an Open Fire, Acceptable Fireplace fire or Acceptable Fire Pit fire when the weather conditions are conducive to creating a Running Fire or when Fire Services or another authorized agency has announced a ban on burning;
 - (c) Burn in an Acceptable Fire Pit, Acceptable Fireplace or Public Park Site fire pit garbage, leaves, straw, painted wood, treated construction materials or

items made of or containing rubber, plastic, tar or any material deemed for disposal;

- (d) Deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
 - (e) Conduct any activity that involves the use of fire or that creates potential sources of fire ignition, which might reasonably be expected to cause a Running or Open Fire, unless he exercises reasonable care to prevent such a fire from occurring;
 - (f) Provide false, incomplete or misleading information to Fire Services on or with respect to an Open Fire Permit Application;
 - (g) Interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life property;
 - (h) Interfere with the operation of any Fire Services equipment or apparatus required to extinguish fires or preserve life or property;
 - (i) Damage or destroy any Fire Services property;
 - (j) Falsely represent himself as a Fire Services Member or wear or display any uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- 10.4 No person shall use fire to burn prohibited debris including material that will result in the production of dense black smoke such as insulation from the electrical wiring or equipment, asphalt roofing materials or hydrocarbons except as may be approved in writing by Fire Services.
- 10.5 Nothing in this Bylaw shall be interpreted to authorize any fire, burning or other act, which is in contravention of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and amendments thereto, or any regulation made hereunder.
- 10.6 No person shall purchase, possess, handle, discharge, fire or set off Fireworks within the Village limits unless he holds a permit issued by Fire Services. Permits shall only be issued for the discharge of high hazard fireworks in accordance and pursuant to the Alberta Fire Code.

SECTION 11 – PENALTIES

- 11.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a fine of not less than \$500.00 and not more than \$10,000.00.
- 11.2 Where a person:
- (a) Contravenes any section of this Bylaw, that person shall be liable to Fire Services and the Village for the entire cost of any type of emergency response and mitigation service required to bring the fire under control, whether Fire Services or the Village provided that service or by a third party person or agency; and
 - (b) The Village may recover such fees or charges as a debt due and owing to the Village; or
 - (c) In the case of action taken by Fire Services in respect of land within the Village, where the fees or charges are not paid upon demand by the Village, then in default of payment, such fees or charged may be charged against the land as a lien in respect of that land and improvements.

- 11.3 A Bylaw Officer or Peace Officer is hereby authorized and empowered to issue a Bylaw Ticket to any person who that Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. A Bylaw Ticket may be issued to such persons:
- (a) Either personally; or
 - (b) By mailing a copy to such person as his last known post office address.
- 11.4 The Bylaw Ticket shall be in the form approved by the Village.
- 11.5 Where a contravention of this Bylaw is of a continuing nature, further Bylaw Tickets may be issued by a Bylaw Officer or Peace Officer, provided that no more than one Bylaw Ticket shall be issued for each day that the contravention continues and each calendar day constitutes a new and separate additional offence.
- 11.6 Where a Bylaw Ticket is issued pursuant to this Bylaw, the person or corporation to whom the Bylaw Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Bylaw Ticket as outlined on Schedule "A" hereto, provided that such payment is made in cash or by cheque before the date outlined on the Bylaw Ticket.
- 11.7 A Peace Officer or Bylaw Officer may issue a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, or may lay on information instead of issuing a violation ticket.
- 11.8 Any fine or penalty imposed pursuant to this bylaw inures to the benefit of the Village.
- 11.9 If the penalty specified on a Bylaw Ticket is not paid within the prescribed time period, then a Bylaw Officer or Peace Officer is hereby authorized and empowered to issue a Summons pursuant to the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34.

SECTION 12 – SEVERABILITY

- 12.1 Should any clause or part of this bylaw be found to have been improperly enacted, for any reason, then such clause or part shall be regarded as being severable from the rest of this bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the clause or part found to be improperly enacted had not been enacted as part of this bylaw.

SECTION 13 – REPEAL OLD BYLAW

- 13.1 Bylaw 1154 and amendments thereto is hereby repealed.
- 13.2 This bylaw shall come into force and effect on the date of the third and final reading and signing thereof.




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FIRST READING of Bylaw No. 1133/2017 granted this 15 day of August, 2017.

SECOND READING of Bylaw No. 1133/2017 granted this 12 day of September, 2017.

THIRD AND FINAL READING of Bylaw No. 1133/2017 granted this 12 day of September, 2017.



Ray Reckseidler, Mayor



Karen M. Fegan, CLGM - CAO

BYLAW NUMBER 1133/2017

SCHEDULE "A"

Bylaw Ticket Penalties

1 st offence	\$500.00
2 nd and subsequent offence	\$750.00

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