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**BY-LAW NUMBER 2019/10**

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BY-LAW NUMBER 2019/10 is a bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta for the purpose of establishing and operating the County's Fire Services, providing fire protection to the County and the recovery of fire protection charges.

WHEREAS the *Municipal Government Act* 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 *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

AND WHEREAS the *Forest and Prairie Protection Act* provides that a council of a municipal district is responsible for fighting and controlling all fires within the boundaries of the municipal district, other than areas contained in a forest protection area;

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

AND WHEREAS Council for the County of Wetaskiwin No. 10 wishes to establish a fire service within the County and provide for the efficient operation of such a service;

AND WHEREAS Council for the County of Wetaskiwin No. 10 wishes to provide for the prevention, regulation and control of the lighting of fires within the County;

NOW THEREFORE, the Council of the County of Wetaskiwin No. 10, duly assembled, enacts as follows:

**SECTION 1.      TITLE**

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

**SECTION 2.      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 all combustible waste other than Prohibited Debris and includes, but is not limited to:
  - (i)      straw and stubble;
  - (ii)     grass and weeds;
  - (iii)    leaves and tree pruning's;
  - (iv)    brush and fallen trees on newly cleared land or associated with logging operations;
  - (v)    used power, telegraph and telephone poles that do not contain wood preservatives;

- (vi) wooden materials, which do not contain wood preservatives, from the construction or demolition of buildings;
  - (vii) solid waste from post and pole operations that does not contain wood preservatives; and,
  - (viii) solid waste from tree harvesting operations;
- (c) “Burning Barrel Fire” means a fire confined to a non-combustible structure or container that has draft holes not larger than 5 millimeters in diameter and is covered with a heavy gauge metal screen of a mesh size not greater than 7 millimeters to contain sparks over the fire at all times, which is lit for the purpose of burning household refuse or other 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 County or their designate;
- (f) “Council” means the municipal Council of the County;
- (g) “County” means the County of Wetaskiwin No. 10;
- (h) “Dangerous Goods” means those products or substances which are regulated by the *Dangerous Goods Transportation and Handling Act*;
- (i) “Director” means the person employed by the County as the Director of Emergency Services to manage Fire Services for the County, or their designate;
- (j) “Equipment” means any tools, devices, materials or supplies used by or for Fire Services to respond to an Incident;
- (k) “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;
- (l) “Fire Chief” means the Fire Chief of a department serving any of the Fire Protection Areas, or their designate;
- (m) “Fire Guardian” means:
- (i) a person deemed a Fire Guardian under the *Forest and Prairie Protection Act*;
  - (ii) any person appointed as a Fire Guardian by resolution of Council in accordance with the *Forest and Prairie Protection Act*;
- (n) “Fire Hazard” means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard;
- (o) “Fire Permit” means a permit issued by an individual authorized by the County to do so pursuant to this Bylaw, authorizing the setting of a specific type of fire, and includes a

fire permit issued by a Fire Guardian pursuant to the *Forest and Prairie Protection Act*.

- (p) “Fireworks Permit” means a permit issued by a retail location authorized by the County pursuant to this Bylaw and the Alberta Fire Code for the purchase and/or discharge of Low and/or High Level fireworks.
- (q) “Fire Protection Area” means the following geographic areas within the County where Fire Protection is to be provided:
  - (i) Fire Protection Area 1 - Millet
  - (ii) Fire Protection Area 2 - Wetaskiwin
  - (iii) Fire Protection Area 3 - Pigeon Lake
  - (iv) Fire Protection Area 4 - Winfield
  - (v) Fire Protection Area 5 - Buck Lake/Alder Flats

the boundaries of which are outlined on the map attached as Schedule “A” forming part of this Bylaw;

- (r) “Fire Protection” means any and all of the services established in Section 3.1 and includes any other service delivered by or for Fire Services that is authorized by Council;
- (s) “Fire Restriction” means no new Fire Permits or Fireworks Permits are authorized and currently issued Fire Permits or Fireworks Permits are suspended. Exemptions are internal household fire places, incinerators (farm or acreage use only), regulated burning barrels, camp stoves, solid fueled barbeques (charcoal briquettes), liquid fueled barbeques (propane & natural gas), recreational fire in an approved fire pit with grate covering, chimney’s, fire contained in approved facilities and appliances in designated camping and recreational areas.
- (t) “Fire Protection Charges” means all costs incurred by or for Fire Services in providing Fire Protection both within and outside the County’s boundaries, the rates of which are set out in the attached Schedule “B” forming part of this Bylaw;
- (u) “Fire Season” means the period established by Alberta Agriculture & Forestry 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;
- (v) “Fire Services” means a department established and organized by the County to provide Fire Protection and the fire departments identified in Section 3.2 as providing Fire Protection to specific Fire Protection Areas under agreement with the County, and shall include all Members.
- (w) “Fire Services Property” means all real and personal property owned or controlled by the County and designated for use by Fire Services including but not limited to Apparatus, Equipment and fire stations;
- (x) “High Level Fireworks” means effects that reach more than 50 meters. Three common kinds of High Level fireworks include aerial shells (including large shells and nautical effects), comets, large roman candles (larger than 50 mm, inside diameter);

- (y) “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;
- (z) “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;
- (aa) “Low Level Fireworks” means effects that reach less than 50 meters. Some Low Level fireworks, such as mines, may have to be fired from a mortar. Four common kinds of Low Level fireworks include: roman candles, mines, cakes (battery/combination), flying saucers;
- (bb) “Medical First Response” means a service the Fire Department provides to the public by a firefighter who is trained to provide Standard First Aid in a medical emergency;
- (cc) “Member” means any person who is duly appointed as a member of Fire Services and includes a Fire Chief;
- (dd) “Negligence” means a person is guilty of negligence if he/she:
  - (i) recklessly starts a fire or causes an explosion which endangers human life;
  - (ii) having started a fire recklessly or not, and knowing, that it is spreading and will endanger the life or property of another; either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm;
  - (iii) damages the property of another by negligent use of fire or causing an explosion;
  - (iv) discharges or uses fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another;
  - (v) fails to use reasonable care, resulting in damage or injury to another person or property;
  - (vi) does not obtain a fire permit when required;
  - (vii) does not obtain a fireworks permit when required;
- (ee) “Peace Officer” means a bylaw enforcement officer appointed by the County pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police and, when authorized, a community peace officer appointed under the *Peace Officer Act*.
- (ff) “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) 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; and

- (ix) wood or wood products containing substances for the purpose of preserving wood;
- (x) sky lanterns
- (gg) “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;
- (hh) “Re-ignite/Re-ignition” means to flare up or catch fire after extinguished;
- (ii) “Responsible Person” is one who is 18 years of age or older and is able to act without guidance or supervision, because he or she is accountable and answerable for his or her behavior. Such person can be trusted or depended upon to do things on his or her own;
- (jj) “Sky lanterns” are small paper hot air balloons fueled by a small open flame;
- (kk) “Smudge Fire” means a fire confined to a non-combustible structure or container that has draft holes not larger than 5 millimeters in diameter and is covered with a heavy gauge metal screen of a mesh size not greater than 7 millimeters to contain sparks over the fire at all times, which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost and is fueled solely by dry wood or charcoal.
- (ll) “Total 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 or fireworks permits, prohibiting the lighting of, and requiring the extinguishment of all fires within the County. The only exceptions are internal household fireplaces and gas fueled equipment such as a propane barbeque or propane fire pit;
- (mm) “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*;

### **SECTION 3. FIRE SERVICES**

- 3.1 Council hereby provides Fire Services in the County for the purpose of:
- (a) preventing and extinguishing fires;
  - (b) investigating 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 aide agreements with other municipalities;
  - (h) maintaining and operating Apparatus and Equipment for extinguishing fires and preserving life and property;
  - (i) providing rescue services for motor vehicles collisions;
  - (j) conducting pre-fire planning and fire inspections;

- (k) providing public education and information regarding fire safety;
- (l) providing ice and water rescue;
- (m) training or other Member development; and
- (n) Medical First Response  
in accordance with the policies and guidelines established by the County from time to time and all applicable legislation.

3.2 By agreement with the County, Fire Protection shall be provided to the respective Fire Protection Areas identified below by the following fire departments:

- (a) Fire Protection Area 1  
East West Millet Rural Fire Department
- (b) Fire Protection Area 2  
Wetaskiwin Rural Fire Department
- (c) Fire Protection Area 3  
Mulhurst Bay and South Pigeon Lake Fire Departments
- (d) Fire Protection Area 4  
Winfield Fire Department
- (e) Fire Protection Area 5  
Buck Lake/Alder Flats Fire Department

as indicated on the map attached as Schedule "A" forming part of this Bylaw;

#### **SECTION 4. AUTHORITY AND RESPONSIBILITY OF THE DIRECTOR**

- 4.1 The Director shall be appointed by and report to the CAO.
- 4.2 The Director shall be responsible for managing the overall delivery of Fire Protection by Fire Services, subject to:
- (a) this Bylaw;
  - (b) all applicable County policies;
  - (c) the direction of the CAO;
  - (d) any agreements the County has with other municipalities or other entities, however constituted, that provide Fire Protection in the County.
- 4.3 The Director may prescribe rules, regulations and procedures for the ongoing organization and administration of Fire Services, including but not limited to:
- (a) the appointment, recruitment, conduct, discipline, duties, training and responsibilities of Members;
  - (b) the efficient operation of Fire Services;
  - (c) the operating procedures of departments; and
- may perform such other functions and have such other powers and responsibilities the CAO may from time to time prescribe.
- 4.4 The Director may, subject to ratification by Council, negotiate and enter into agreements with the Province of Alberta, other municipalities or other entities, however constituted, for the purchase, joint use, control and management of Fire Services Property, and for the purpose of providing Fire Protection within or outside the County.
- 4.5 The Director is authorized to delegate, and to authorize further delegations of any powers, duties and functions delegated to the Director by Council under this Bylaw.

**SECTION 5. AUTHORITY AND RESPONSIBILITY OF FIRE CHIEF**

- 5.1 The Fire Chief shall be responsible to the Director for the performance of their duties pursuant to this Bylaw and all applicable policies of the County.
- 5.2 The Fire Chief shall manage and administer the affairs of the Fire Department pursuant to this Bylaw and applicable policies of the County.
- 5.3 The Fire Chief shall be responsible for supervising the Members and the day-to-day operation, maintenance and protection of Fire Services Property.
- 5.4 Subject to the approval of the Director, 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 County.
- 5.5 The Fire Chief may recruit and appoint Members to the Fire Department and dismiss Members from the Fire Department, in accordance with applicable County guidelines.
- 5.6 The Fire Chief shall maintain and submit to the Director 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 for re-imburement by the County and statistical purposes;
  - (c) Records of all fire inspections carried out and actions taken on account of fire inspections; and
  - (d) Any other records incidental to the operation of the Fire Department.
- 5.7 The Fire Chief may appoint other Members to act as Fire Chief in their absence for a period not to exceed thirty (30) days, subject to the Director's approval.
- 5.8 The Fire Chief is responsible for reporting to the Society/Board based on their policies and budget.

**SECTION 6. AUTHORITY AND RESPONSIBILITY OF FIRE PROTECTION SOCIETY/ASSOCIATION**

- 6.1 Upon entering into an agreement with the County, the Board of Directors shall have the power and authority to do any act or thing or refrain from any act or thing in the furtherance of the objects of the Society, and in the management of the affairs of the Society. Without restricting the generality of the foregoing the Board of Directors shall:
- a) Appoint a Fire Chief
  - b) Work with Council to prepare a long term capital plan
  - c) Hire necessary personnel for the administration of the Society
  - d) Enter into agreements for the use, operation, housing & maintenance of the Society's equipment
  - e) Prepare a balanced budget annually
  - f) Assist to recruit volunteer firefighters
  - g) Ensure board members shall not be members of the Fire Department

- h) Purchase, lease or otherwise acquire such equipment as is needed to carry out the objects of the Society
- i) Trade, barter, sell or otherwise dispose of any items of equipment or other property of the Society
- j) Fix and pay any remuneration for any officer, director or employee of the Society

**SECTION 7. AUTHORITY AND RESPONSIBILITY OF MEMBERS**

- 7.1 Members are responsible to the Fire Chief for the performance of their duties pursuant to this Bylaw and applicable policies of the County.

**SECTION 8. AUTHORITY AND RESPONSIBILITY OF INCIDENT COMMAND**

- 8.1 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.
- 8.2 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 Peace 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 County manpower and Equipment which they 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.

**SECTION 9. FIRE GUARDIANS**

- 9.1 Each year before March 1, Council shall appoint a sufficient number of Fire Guardians to enforce the provisions of the *Forest and Prairie Protection Act* and this Bylaw within the boundaries of the County.
- 9.2 Fire Guardians shall have the authority and power to:
- (a) issue a Fire Permit in respect of any property within the County;
  - (b) issue a Fire Permit unconditionally or to impose any conditions on the Fire Permit that the Fire Guardian considers appropriate, in his or her sole discretion, given the nature of the fire and prevailing circumstances, location and environmental conditions;
  - (c) suspend or cancel a Fire Permit at any time; and



- (d) refuse to issue a Fire Permit where, in the opinion of the Fire Guardian, there is a risk to the public in relation to the proposed fire.

#### **SECTION 10. PERMITTED AND PROHIBITED FIRES**

- 10.1 No person 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 within the boundaries of the County except as otherwise provided for under this Bylaw.
- 10.2 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the County.
- 10.3 During the Fire Season, no person shall light or cause to be lit an outdoor fire or permit any outdoor fire upon land owned or occupied by them or under their control except when they are the holder of a valid Fire Permit issued pursuant to this Bylaw or the *Forest and Prairie Protection Act* or unless the specific type of fire is exempted from requiring a Fire Permit either in this Bylaw or the *Forest and Prairie Protection Act*.
- 10.4 Throughout the entire year, no person shall set off fireworks upon land owned or occupied by them or under their control except when they are the holder of a valid Fireworks Permit.
- 10.5 Notwithstanding section 11.6, within a hamlet of the County no person shall, at any time of the year, light or cause to be lit an outdoor fire or permit any outdoor fire upon land owned or occupied by or under their control unless the fire is a Recreational Fire.
- 10.6 A Fire Permit is not required under this Bylaw for a Burning Barrel Fire, Recreational Fire or Smudge Fire provided that:
  - (a) A minimum of 5 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 90 centimeters above the structure or container.
- 10.7 This Bylaw does not apply to:
  - (a) an outdoor fire lit by Fire Services for training or preventive control purposes;
  - (b) an outdoor fire that is a flare stack used in the petroleum industry;
  - (c) an outdoor fire prescribed by regulations under the *Forest and Prairie Protection Act*; or
  - (d) a fire confined to an incinerator regulated under the *Environmental Protection and Enhancement Act*.
- 10.8 All fires must be under the care and control of the landowner(s) and cannot adversely affect a person's quality of life;
- 10.9 All fires are the responsibility of the landowner(s), including re-ignitions.

#### **SECTION 11. FIRE PERMITS**

- 11.1 An application for a Fire Permit shall be made in writing on the form adopted by the County and may be amended from time to time;

- 11.2 A Fire Permit shall only be valid for the time period expressly indicated on the Fire Permit, as determined by the Fire Guardian issuing the Fire Permit at their sole discretion, having regard for the nature and purpose of the fire and prevailing circumstances and environmental conditions;
- 11.3 A Fire Guardian may extend the period of time for a fire by issuing a new Fire Permit;
- 11.4 A Fire Guardian may, in their sole discretion, terminate, suspend or cancel a Fire Permit at any time. Upon receiving notification of termination, suspension or cancellation of the Fire Permit, the Fire Permit holder shall immediately extinguish any Fire set pursuant to the Fire Permit;
- 11.5 A Fire Permit is not transferable;
- 11.6 Fire Permits are not permitted in Hamlets within the County, on County Environmental Reserve properties, Municipal Reserve properties or County Parks;
- 11.7 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 and show the Fire Permit to a Fire Guardian, a Member or a Peace Officer upon request;
  - (c) have a responsible person in attendance at the fire at all times;
  - (d) Keep the fire under control;
  - (e) Extinguish the fire before expiration of the Fire Permit or upon cancellation 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 or his designate, the fire is the result of negligence or in any way in contravention of this Bylaw.

## **SECTION 12. FIREWORKS**

- 12.1 All retail locations will be inspected on an annual basis by the Director at no cost to the retailer and be issued a permit to sell and store fireworks providing the retailer meets the Fire Code requirements.
- 12.2 A Low Level Fireworks Permit shall be issued by a retail location to a purchaser for the purchase/storage/discharge, for a fee as outlined in the Fees and Charges Bylaw.
- 12.3 A Low Level Fireworks Permit shall only be valid for the time period expressly indicated on the Fireworks Permit.
- 12.4 Low Level Fireworks are not permitted in Hamlets within the County, on County Environmental Reserve properties, Municipal Reserve properties or County Parks.
- 12.5 The Director, CAO or Peace Officer may, in their sole discretion, terminate, suspend or cancel a Fireworks Permit at any time. Upon receiving notification of termination, suspension or cancellation of the Fireworks Permit, the Fireworks Permit holder shall immediately extinguish any Fireworks set pursuant to the Fireworks Permit.
- 12.6 A Fireworks Permit is not transferable.

- 12.7 An application for High Level fireworks shall be made in writing to the Director or CAO, who may attach conditions prior to the issuance of a Fireworks permit.
- 12.8 A person who has been issued a Fireworks Permit by an authorized retailer shall:
- (a) keep the Fireworks Permit at the site of discharge;
  - (b) produce and show the Fireworks Permit to a Member or a Peace Officer upon request;
  - (c) have a responsible person in attendance at the fireworks at all times;
  - (d) be responsible for any costs incurred by the Fire Department when called upon to extinguish such fireworks if, in the opinion of the Fire Chief or his designate, the fireworks are the result of negligence or in any way in contravention of this Bylaw;
  - (e) not contravene Section 5.7 of the Alberta Fire Code;
  - (f) comply to the conditions as outlined on the Fireworks Permit.
- 12.9 Sky lanterns are not permitted to be used in Alberta as per Standata Fire Code Interpretation 14-03.

### **SECTION 13. TOTAL FIRE BAN AND/OR FIRE RESTRICTION**

- 13.1 The Director and CAO may, from time to time, prohibit all Fires and Fireworks in the County, whether requiring a Fire Permit or not, when in the opinion the Director and CAO, the prevailing environmental conditions give rise to an increased risk of a fire running out of control, as per County Policy.
- 13.2 A Total Fire Ban or Fire Restriction imposed pursuant to section 14.1 of this Bylaw, shall remain in force until either the date provided in the notice of the Total Fire Ban or Fire Restriction or until such time as the Director and CAO provides notice to the public that the Total Fire Ban or Fire Restriction is no longer in effect.
- 13.3 Notice of a Total Fire Ban or Fire Restriction 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 County, 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 Total Fire Ban or Fire Restriction.
- 13.4 When a Total Fire Ban is in place, no person shall ignite any fire, whether or not the person is the holder of a Fire Permit and shall immediately extinguish any fire lit once the person knows or ought reasonably to know of the Total Fire Ban.
- 13.5 When a Total Fire Ban is in place, no person shall set off any Fireworks.

### **SECTION 14. FIRE PROTECTION CHARGES**

- 14.1 Upon providing Fire Protection within the County's boundaries, to a County landowner, the County may, in its sole and absolute discretion, charge any or all of the following persons if negligence or any contravention of this Bylaw occurred, namely:
- (a) the person or persons causing or contributing to the incident;  
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 County as per Schedule B.

14.2 Upon providing Fire Protection outside the County's boundaries, the County 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 incident;

Fire Protection Charges, and all persons charged are jointly and severally liable for payment of the Fire Protection Charges to the County.

14.3 All Fire Protection which occurs on Provincial Highways will be charged directly to Alberta Transportation for re-imbusement.

14.4 Fire Protection Charges shall be paid within thirty (30) days of receipt.

14.5 A landowner within the County's boundaries to which Fire Protection is provided is not liable for Fire Protection Charges incurred unless negligence or any contravention of this Bylaw occurred and the County may add to the tax roll of the parcel of land all unpaid Fire Protection Charges (after thirty (30) days), which forms a special lien against the parcel of land in favor of the County from the date the amount was added to the tax roll, in accordance with Section 553 of the Municipal Government Act.

14.6 A non-County resident or an incident occurring not on a County landowners property to which Fire Protection is provided is liable for Fire Protection Charges incurred and the County may forward all unpaid Fire Protection Charges (after thirty (30) days) to Small Debts Court (Civil Action), Collections Agency or Writ of Enforcement.

## **SECTION 15. NOTICE**

15.1 Any notice provided for in this Bylaw shall be in writing.

15.2 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 County tax roll for the Property.
- (d) As directed by the courts.

15.3 Service is presumed to be effected under section 15.2:

- (a) seven days from the date of mailing if the document is mailed in Alberta to an address in Alberta; or
- (b) subject to (a), 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.

**SECTION 16. INSPECTION AND ENFORCEMENT**

- 16.1 Where a parcel of land does not comply with this Bylaw or a person contravenes this Bylaw, the County 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 County, adding amounts to the tax roll of the owner of the parcel, and pursuing injunctions pursuant to the *Municipal Government Act*.
- 16.2 The Director 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*.
- 16.3 A Peace Officer is hereby authorized to enter any lands to inspect for conditions that may contravene or fail to comply with the provisions of this By-law and such Peace Officer may order the owner or occupant thereof to remedy any condition which is deemed to be in contravention of this By-law.

**SECTION 17. OFFENCES**

- 17.1 No person shall:
- (a) contravene any provision of this Bylaw;
  - (b) contravene any term or condition of a Fire or Fireworks Permit;
  - (c) 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;
  - (d) damage or destroy Fire Services Property;
  - (e) falsely represent themselves as a Member;
  - (f) obstruct or otherwise interfere with access by Fire Services or Fire Services Property to:
    - (i) the scene of an Incident;
    - (ii) a fire hydrant, cistern or other body of water designated for firefighting purposes; or
    - (iii) to connections to fire mains, stand pipes, or sprinkler systems.
  - (g) cross any boundaries or limits established by the Fire Services in accordance with this Bylaw, without the express authorization of the Member in Charge;
  - (h) cause or permit a Burning Hazard or Fire Hazard to exist on a parcel of land;
  - (i) deposit, discard or abandon any burning matter or substance so as to create a Burning Hazard;
  - (j) light a fire or cause a fire to be lit during a Total Fire Ban;
  - (k) set off Fireworks during a Total Fire Ban;
  - (l) light a fire unless they are the holder of a valid Fire Permit if required under this Bylaw or the *Forest and Prairie Protection Act* or both;
  - (m) provide false, incomplete or misleading information to the Director, a Fire Guardian, a Member or a Peace Officer with respect to a fire or a Fire Permit application;
  - (n) light a fire in a hamlet other than a Recreational Fire;
  - (o) light a fire on any land not their own without the written consent of the owner of the land;
  - (p) permit a fire lit by that person to pass from their own land to the land of another person;
  - (q) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;

- (r) conduct any activity that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent a fire from occurring;
- (s) 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;
- (t) light a fire on lands owned or controlled by the County except with the County's express written consent;
- (u) use a fire to burn Prohibited Debris;

**SECTION 18. 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 the specified penalty for the offence set out in Schedule "C".

**SECTION 19. VIOLATION TICKET**

19.1 A 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 Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

19.2 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.

**SECTION 20. 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;

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.

20.2 When the Clerk records in the Court records the receipt of a voluntary payment pursuant to Section 21.1 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.

**SECTION 21. 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.

**SECTION 22. REPEAL**

22.1 Bylaw 2019/08 is hereby repealed by Bylaw 2019/10.

**SECTION 23.      EFFECTIVE DATE**

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

READ a first time in Council this 12th day of March, 2019.

READ a second time in Council this 12th day of March, 2019.

READ a third and final time in Council this 12th day of March, 2019.

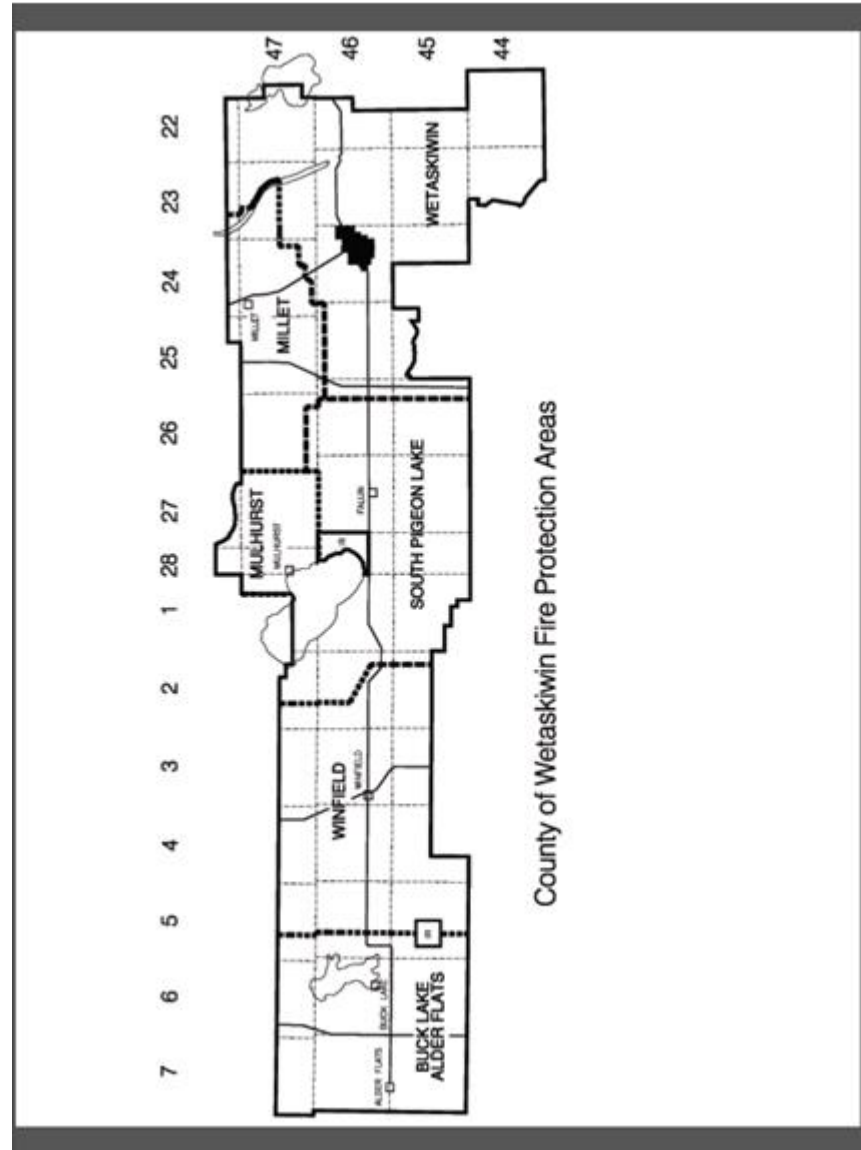
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Chief Administrative Officer

**SCHEDULE "A" – FIRE PROTECTION AREAS**





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**SCHEDULE “B” - FIRE PROTECTION CHARGES**

1. Four hundred Dollars (\$400.00) per hour per Fire Services Apparatus (excluding ATV's) dispatched to an Incident for Fire Protection.
2. Two Hundred Dollars (\$200.00) per hour per ATV dispatched to an Incident.
3. Two Hundred Dollars (\$200.00) per hour for scene security costs.
4. Three Hundred Dollars (\$300.00) per hour for fire investigation and administration fees.
5. Three Hundred Dollars (\$300.00) flat rate per unfounded alarm call.
6. Three Hundred Dollars (\$300.00) flat rate per Medical First Response call.
7. Any other disbursements or expenses incurred by the County for Fire Protection at an Incident, including but not limited to services provided by independent contractors or other municipalities under mutual aid or other agreement.
8. Four hundred Dollars (\$400.00) per hour per Fire Services Apparatus (excluding ATV's) dispatched to an Incident for Fire Protection for Mutual Aid between Fire Departments within the County of Wetaskiwin.
9. Alberta Transportation rates are charged out as per Alberta Transportation's Table 1: Rates of Reimbursement for Fire Department Units Responding Within a Provincial Highway Right of Way.

**SCHEDULE "C" – SPECIFIED PENALTIES**

<u>OFFENCE</u>	<u>SPECIFIC PENALTY</u>
Contravention of any provision of this Bylaw	\$500.00
Second or subsequent offence within one (1) year	\$1000.00