

Town of Mayerthorpe
 Province of Alberta
 Canada.

BYLAW # 954

A BYLAW OF THE TOWN OF MAYERTHORPE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING FIRE PROTECTION SERVICES AND THE RECOVERY OF FIRE PROTECTION SERVICE COSTS

WHEREAS the *Municipal Government Act* R.S.A. 2000 c. M-26, as amended, provides that a Council of a Municipality may pass bylaws 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;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended provides that a municipality may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing Fires;

AND WHEREAS the Council for the Town of Mayerthorpe wishes to regulate the use and setting of Fires within the Town;

AND WHEREAS the Council for the Town of Mayerthorpe wishes to establish and provide for the efficient operation of Fire Protection Services including the recovery of Fire Protection Service Costs;

THEREFORE The Council of the Town of Mayerthorpe, 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

2.1 In the Bylaw, the following terms shall have the meanings prescribed:

2.1.1 “**Apparatus**” means any vehicle suitable for land, air, or water use which is provided with machinery, devices, equipment, materials or personnel for Fire fighting, rescue, or other emergency response, as well as vehicles used to transport Members or supplies”;

2.1.2 “**CAO or Chief Administrative Officer**” means the individual appointed by Council to the position of CAO for the Town in accordance with the *Municipal Government Act*, R.S.A. 2000, c. M-26, Section 205;

2.1.3 “**Captain**” means the fourth ranking Officer and is in charge of a team.

2.1.4 “**Corporate Registry**” means the authority having jurisdictions in the Province of Alberta to register corporations;

2.1.5 “**Council**” means the elected Council of the Town of Mayerthorpe;

2.1.6 “**Designated Officer**” means the Fire Chief or his delegate;

2.1.7 “**Equipment**” means any tools, contrivances, devices and materials used by the Fire Department to combat an Incident or other emergency;

2.1.8 “**Enforcement Officer**” means a Community Peace Officer, Bylaw Enforcement Officer, or other individual appointed by the Town with respect to the enforcement of bylaws of the Town of Mayerthorpe and authorized to issue Violation Tickets pursuant to Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000, c. P-34. All Enforcement Officers are designated officers within the meaning of the *Municipal Government Act* R.S.A. 2000 c. M-26, as amended, for the purposes of enforcing the provisions of this Bylaw;

2.1.9 “**Environmental Protection and Enhancement Act**”, means the *Environmental Protection and Enhancement Act* R.S.A. 2000, c. E-12, as amended, and regulations there under;

2.1.10 “**False Alarm**” means any notification to the Fire Department or any Member thereof including signals from a Fire alarm system respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or Property, wherein such a condition, circumstance or event is in fact not in existence;

2.1.11 "Fire" means the burning of any flammable or combustible material in a state of combustion;

2.1.12 "Fire Chief" means the Member of the Fire Department who is appointed as the head of the Fire Department by Council;

2.1.13 "Fire Department" means any Fire department established by Council pursuant to this Bylaw and includes any person duly appointed to the Fire Department by the Fire Chief from time to time;

2.1.14 "Fire Department Property" means all property owned or controlled by or designated for use by the Fire Department, regardless of the source of the property;

2.1.15 "Fire Hazard" means any condition, circumstance, or event that increases the possibility and/or probability of Fire occurrence;

2.1.16 "Fire Permit" means a permit issued pursuant to Section 10 of this Bylaw;

2.1.17 "Fire Pit" means an outdoor receptacle acceptable that meets the following specifications:

2.1.17.1 A minimum of three (3) metre clearance, measured from the nearest Fire Pit edge is maintained from buildings, property lines, or other combustible material;

2.1.17.2 The Fire Pit height does not exceed 0.6 metre when measured from the surrounding grade to the top of the pit opening;

2.1.17.3 The Fire Pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;

2.1.17.4 The Fire Pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;

2.1.17.5 A spark arrester mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the Fire Pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks,

2.1.17.6 The Fire Pit is not located over any underground utilities or under any aboveground wires, and

2.1.17.7 Is otherwise acceptable to the Fire Chief.

2.1.18 "Fire Protection Agreement" means an agreement entered into by the Town with another municipality or entity, with a view to ensuring the prevention and control of Fires, with respect to land within the Town's boundaries or under the Town's control and/or another municipality's boundaries or control;

2.1.19 "Fire Protection Services" means all aspects of Fire safety including but not limited to, Fire prevention, Fire suppression, Firefighting, rescue, pre-Fire planning, public education and information, training or other staff development, advising, and responding to a request for Fire protection, including legitimate emergencies and False Alarms;

2.1.20 "Fire Protection Charge" means the charges and fees payable pursuant to Section 9 of this Bylaw;

2.1.21 "Incident" means a Fire or a situation where a Fire or explosion is imminent or any other situation where there is a danger or possible danger to life or Property, or a need for medical assistance;

2.1.22 "Incident Commander" means the Member of the Fire Department who is responsible for the coordination and execution of overall strategy and Fire protection tactics involved in combating an Incident;

2.1.23 "Incinerator Fire" means a Fire for the purpose of burning household refuse, except plastics, that is confined within a non-combustible structure or container that has its draft and smoke vents covered by a heavy gauge metal screen having a mesh size not larger than 6 millimeters or which is ventilated in such a manner as to preclude the escape of combustible materials and a minimum of 30 meters from any structure or standing timber;

2.1.24 "Member" means any person who is duly appointed by the Fire Chief as a member of the Fire Department including the Fire Chief, an Officer and volunteer Fire fighter;

- 2.1.25** "*Municipal Government Act or MGA*" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- 2.1.26** "**Officer**" means a Member duly appointed as the Fire Chief, Deputy Fire Chief, Captain or other such position having a supervisory role within the Fire Department;
- 2.1.27** "**Outdoor Fireplace**" means a receptacle that meets the following specifications:
- 2.1.27.1** A minimum of 1 metre clearance measured from the nearest Fireplace edge is maintained from buildings, property lines, or other combustible material;
 - 2.1.27.2** The Fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
 - 2.1.27.3** 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;
 - 2.1.27.4** The Fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks; maximum 1.25 cm (1.2 inch) holes.
 - 2.1.27.5** The base of the Fire burning area is not less than 0.3 metres above the surrounding grade;
 - 2.1.27.6** 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
 - 2.1.27.7** Is otherwise acceptable to the Fire Chief.
- 2.1.28** "**Person**" means any individual, body corporate, partnership or other type of legal entity whatsoever;
- 2.1.29** "**Practice**" means a gathering of the Members scheduled by the Fire Chief or designated Officer, and at which training in Fire Protection Services is conducted;
- 2.1.30** "**Property**" means any real or personal property, which, without limiting the generality of the foregoing, includes land, equipment, products, vehicles and structures;
- 2.1.31** "*Provincial Offences Procedure Act*" means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P34, as amended;
- 2.1.32** "**Recreational Fire**" means an outdoor Fire for recreational purposes and is confined to a non-combustible container, such as a Fire Pit or Outdoor Fireplace, as approved by the Fire Chief, which is set for the purpose of cooking, obtaining warmth or viewing for pleasure. Such Fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane, Recreational Fires will not be permitted between the hours of 11:00 p.m. and 7:00 a.m., excepting those Recreational Fires at the Town owned campground, upon the discretion of the campground manager;
- 2.1.33** "**Running Fire**" means a Fire burning without being under the proper or any control of a person;
- 2.1.34** "*Safety Codes Act*" means the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended;
- 2.1.35** "**Standard Operating Guidelines**" means the Standard Operating Guidelines for the Fire Department as developed by the Fire Chief pursuant to the Safety Codes Act.;
- 2.1.36** "*Traffic Safety Act*", means the *Traffic Safety Act*,⁷ R.S.A. 2000 c. T-6, as amended;
- 2.1.37** "**Town**" means the Town of Mayerthorpe;
- 2.1.38** "**Town Office**" means the administrative office for the Town.

SECTION 3 FIRE DEPARTMENT

3.1 Council hereby establishes the Fire Department for the following purposes:

- 3.1.1** Providing Fire Protection Services;
- 3.1.2** Preventing, combating and extinguishing Fires and Incidents;

- 3.1.3 Arrange for investigating the cause and origin of Fires and Incidents;
- 3.1.4 Preserving life and Property and protecting persons and Property from injury or destruction by Fire or Incident;
- 3.1.5 Operating Apparatus and Equipment for the purpose of extinguishing Fires or Incidents and preserving life and Property;
- 3.1.6 Fulfilling obligations under approved Fire Protection Agreements;
- 3.1.7 Providing public education about Fire safety;
- 3.1.8 Arrange for Fire inspections and prevention patrols;
- 3.1.9 Pre-Fire and emergency planning and Practice;
- 3.1.10 Providing initial first response to medical incidents; and
- 3.1.11 Providing rescue and first responder services.

Each of the above purposes shall be performed by the Fire Department to the level of service adopted by Council in its applicable policies and guidelines including the Fire Department's Standard Operating Guidelines, which shall not be inconsistent with the legislation and regulation of the Province of Alberta.

SECTION 4 FIRE CHIEF APPOINTMENT AND DUTIES

- 4.1 The Fire Chief shall be appointed by Council.
- 4.2 The Fire Chief is a Member of the Fire Department.
- 4.3 The Fire Chief shall be responsible to the CAO and shall report directly to the CAO on all operational and administrative matters, and may be required to report directly to the CAO on a monthly basis.
- 4.4 The Fire Chief shall immediately notify the authority having jurisdiction of all Fires where dollar loss, injury or death has occurred or where the Fire is suspected to be incendiary in nature, and report all Fires and Incidents within five days after completing response to said Fires and Incidents to the CAO, with sufficient details to enable the invoicing process to properly occur and to meet the requirements of the *Safety Codes Act*.
- 4.5 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the CAO, to which he or she shall be responsible. In particular, the Fire Chief may direct the Fire Department and its Members to carry out all Fire Protection Service activities and such other activities as the CAO directs, including but not limited to:
 - 4.4.1 Pre-Fire planning;
 - 4.4.2 Preventative Patrols;
 - 4.4.3 Fire suppression activities;
 - 4.4.4 Emergency medical services, excepting ambulance services;
 - 4.4.5 Rescue operations;
 - 4.4.6 Disaster relief;
 - 4.4.7 Practice and Member training; and
 - 4.4.8 Issuance of Fire Permits in accordance with Section 10 of this Bylaw.

SECTION 5 POWERS OF FIRE CHIEF

- 5.1 The Fire Chief may establish rules, regulations, policies approved by Council and committees.
- 5.2 The Fire Chief may obtain assistance from other Town officials and employees as he/she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.

SECTION 6 POWERS OF INCIDENT COMMANDERS

- 6.1 The Incident Commander shall have control, direction and management of any Members, Fire Department Property, Apparatus, Equipment or manpower assigned to an Incident and he/she shall continue to act until relieved by an Officer authorized to do so.
- 6.2 The Incident Commander may at his/her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him/her.
- 6.3 The Incident Commander may request Enforcement Officers to enforce restrictions on

persons entering within the boundaries or limits outlined in Section 6.2.

- 6.4** The Incident Commander is empowered to enter to take all steps he/she deems necessary in order to directly or indirectly combat, control or deal with an Incident, including but limited to:
- 6.4.1** Passing through or over buildings or Property adjacent to an Incident;
 - 6.4.2** Causing Members of the Fire Department together with Apparatus, Equipment and Fire Department Property to enter or pass through or over the building or Property;
 - 6.4.3** Ordering the evacuation of any building or area which is directly or indirectly involved in an Incident;
 - 6.4.4** Causing a building, structure or thing to be pulled down, demolished or otherwise removed; and
 - 6.4.5** Upon extinguishment of a Fire or resolution of an incident, access, enter, pass through, or over buildings or property adjacent to a Fire or incident.

SECTION 7 POWERS OF MEMBERS

- 7.1** All Members are Designated Officers within the meaning of the *Municipal Government Act* for the purposes of providing Fire Protection Services to the Town and carrying out all functions required under this Bylaw.
- 7.2** Each Member shall have the authority and power to:
- 7.2.1** With the permission of the Incident Commander, require any able-bodied adult person to assist in extinguishing Fires and to assist in the prevention or spread thereof;
 - 7.2.2** Commandeer and authorize payment for the possession or use of any equipment as per the approved municipal contractors list for the purposes of fighting a Fire;
 - 7.2.3** Obtain from every person found on public land or leaving or entering public land that person's name, address and an account of his or her activities and the route of the activities he or she proposes to carry out and the route he or she intends to follow on the public land;
 - 7.2.4** Without a warrant enter on or into any Property except a private dwelling house, for the purpose of discharging his or her duties under this Bylaw;
 - 7.2.5** Without warrant, enter any private dwelling house which is on Fire or reported to be on Fire and proceed to extinguish the Fire or to prevent the spread thereof;
 - 7.2.6** Direct the operations of extinguishing or controlling the Fire or the operations to preserve life and Property;
 - 7.2.7** Perform work relating to the extinguishing or controlling the Fire or the operations to preserve life and Property and enter onto any Property for the purpose of extinguishing or controlling the Fire; and
 - 7.2.8** Prevent the interference with the efforts of persons engaged in the extinguishing of Fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of the Fire.

SECTION 8 CONTROL OF FIRE HAZARD

- 8.1** If the Fire Chief or his/ her designate finds within the Town's boundaries, on privately owned land or public land, conditions that, in its opinion, constitute a Fire Hazard, he/she may direct the Town to order the owner or the person in control of the Land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the Town.

SECTION 9 FIRE PROTECTION CHARGES

- 9.1** Upon the Fire Chief or his/her designate issuing an Order or taking actions under Section 8.1 or upon the Fire Department providing Fire Protection Services to Property located within or outside the Town's boundaries, resulting in the Town incurring fees or

charges, the Town may in its sole and absolute discretion charge any or all of the following persons, namely:

- 9.1.1** The person causing or contributing to the Fire; and/or
- 9.1.2** The owner or occupant of the Property which is the subject of the Order, actions or Fire Protection Services;

a Fire Protection Charge. All individuals charged are jointly and severally responsible for payment of the Fire Protection Charge to the Town.

- 9.2** The schedule of fees for Fire Protection Charges are set out in the Town of Mayerthorpe 2010 Rates Bylaw # 953 and any amendments thereto. As such, Fire Protection Charges may be altered by Council from time to time.
- 9.3** Without limiting the foregoing, a Fire Protection Charge may be imposed in the event of a False Alarm.
- 9.4** A Fire Protection Charge shall be paid within thirty (30) days of being levied.
- 9.5** 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 place on the Property in respect of which the indebtedness is incurred.
- 9.6** The owner of a parcel to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Town may add to the tax roll of a parcel of land all unpaid Fire Protection Charges and interest charges accrued one hundred and twenty (120) days after the Fire Protection Charge has been levied.
- 9.7** Where any person who caused a Fire fails to pay Fire Protection Charges, the Town may add the unpaid Fire Protection Charges, together with any interest charges accrued, to the tax roll of any property for which that person is the assessed person.

SECTION 10 FIRE PERMITS

- 10.1** An application for a Fire Permit shall be made in writing in the form adopted by Council and set out in Schedule "B" attached hereto and forming part of this Bylaw. Applications must be submitted to the Town Office to the attention of the Fire Chief during the normal business hours of the Town Office.
- 10.2** The Fire Chief or his/her designate has the authority to consider and make a decision with respect to Fire Permit applications under this section within five business days.
- 10.3** When considering a Fire Permit application, the Fire Chief or his/her designate may refuse to issue the Fire Permit, issue the Fire Permit unconditionally, impose conditions considered appropriate or determine that a Fire Permit is not required.
- 10.4** Fire Permits issued pursuant to this Bylaw are valid for such period of time as determined and set by the Fire Chief or his/her designate and endorsed on the Fire Permit.
- 10.5** The Fire Chief or his/her designate may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.
- 10.6** The Fire Chief or his/her designate may, in his/her absolute discretion, suspend or cancel a Fire Permit at any time and for any reason. Upon receiving notification that the Fire Permit has been suspended or cancelled, the Fire Permit holder shall immediately extinguish any Fire set pursuant to the Fire Permit.
- 10.7** A Fire Permit is not transferable.
- 10.8** Each application for a Fire Permit must contain the following information:
 - 10.8.1** The name, address and contact number of the applicant;
 - 10.8.2** The reason why the Fire Permit is required;
 - 10.8.3** The legal description of the land on which the applicant proposes to set a Fire and the location of the Fire on that Land;
 - 10.8.4** The type and description of materials which the applicant proposes to burn;
 - 10.8.5** The period of time for which the Fire Permit is valid;

- 10.8.6** The precautions, if any, that will be taken by the applicant to ensure that the proposed Fire remains under his or her control; and
- 10.8.7** The signature of the applicant.
- 10.9** The Fire Chief or his/her designate may require any additional information that he/she deems appropriate before issuing the Fire Permit.
- 10.10** The Person to whom a Fire Permit has been issued shall:
 - 10.10.1** Remain in charge or keep a responsible and competent person in charge of the Fire;
 - 10.10.2** Ensure that the Fire does not create a hazard to persons or Property;
 - 10.10.3** Ensure that the Fire does not become a Running Fire;
 - 10.10.4** Ensure that the Fire is completely extinguished before any such supervisions ends;
 - 10.10.5** Shall 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/her designate, the Fire is a hazard to persons or Property;
 - 10.10.6** Shall strictly adhere to any terms, conditions or limitations set out in the Fire Permit, and
 - 10.10.7** Shall fully indemnify and save harmless the Town, Fire Department and its Members from all claims for loss or damage that may arise from said Fire.

SECTION 11 PERMITTED AND PROHIBITED FIRES

- 11.1** No Person shall set, or cause to be set, any Fire within the boundaries of the Town except as otherwise provided for under this Bylaw.
- 11.2** No Person shall burn, or cause to be burned, any refuse, waste, junk, garbage, structures, debris or other noxious substance within the boundaries of the Town.
- 11.3** When a Fire is set in contravention of Sections 11.1, or during a Fire Ban issued pursuant to Section 12, the owner or occupier of the land, or the Person having control of the land upon which the Fire is lit shall:
 - 11.3.1** Extinguish the Fire immediately; or
 - 11.3.2** If unable to extinguish the Fire immediately, report the Fire to the Fire Department as soon as possible.
- 11.4** A Fire Permit is not required for the following types of Fires:
 - 11.4.1** Fires fully contained within an indoor Fireplace, indoor woodstove, Fire Pit, or Outdoor Fireplace;
 - 11.4.2** Recreational Fires and charcoal Bar B Qs; and
 - 11.4.3.** Natural gas or propane Fires within approved appliances.
- 11.5** This Bylaw does not apply to any industrial or commercial type Incinerator Fire that is required to be licensed under the *Environmental Protection and Enhancement Act*,
- 11.6** This Bylaw does not apply to any Fire set for Practice purposes for the Fire Department.

SECTION 12 FIRE BAN

- 12.1** The Chief Administrative Officer in consultation with the Fire Chief, or the Fire Chief may, from time to time, prohibit all Fires within the Town including Fires described in Section 11.4, excluding indoor Fireplaces or indoor wood burning appliances when in the opinion the Chief Administrative Officer or the Fire Chief, the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 12.2** A Fire Ban imposed pursuant to Section 12.1 of this Bylaw, shall remain in force either until the date established by the Chief Administrative Officer or Fire Chief in the notice provided to the public pursuant to Section 12.3, or until such time the Chief Administrative Officer or the Fire Chief provides notice to the public that the Fire Ban is no longer in effect.

12.3 The Fire Chief or Chief Administrative Officer shall give notice of the Fire ban in effect by causing signs to be posted at the entrance roads to the Town, facing both incoming and outgoing traffic. Such a sign shall indicate that the Fire Ban is in place, the date if any that the Fire Ban shall be lifted, and the penalty for failing to comply with the Fire Ban.

12.4 When a Fire Ban is in place, no person shall ignite a 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 Fire Ban.

SECTION 13 ROAD CLOSURES

13.1 The Fire Chief, or the designated Incident Commander, may close off any road or alley or portions thereof if it is necessary for public safety or the protection of property, to do so and may delegate members to direct traffic accordingly.

SECTION 14 RIGHT OF REVIEW

14.1 Any Person who receives a written Order or Fire Protection Charge issued pursuant to this Bylaw may request a review of the Order or Fire Protection by Council, under terms prescribed by Section 547 of the *Municipal Government Act*, by issuing a written review request including reasons for the review request to Council within 14 days after receiving the Order or notice of the Fire Protection Charge.

14.2 After reviewing the Order or Fire Protection Charge, Council may confirm, vary, substitute or cancel the Order or Fire Protection Charge.

SECTION 15 INTERFERENCE WITH DUTIES

15.1 No Person shall obstruct the Fire Chief, a Member or any other person authorized to inspect Property or to perform any work necessary to remedy a condition, from performing his or her duties under this Bylaw.

SECTION 16 LIABILITY

16.1 The Chief Administrative Officer, Fire Chief, Members, Enforcement Officers, or anyone else authorized to enforce the provisions of this Bylaw or take steps under this Bylaw are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers.

SECTION 17 OFFENCES

17.1 No Person shall:

17.1.1 Contravene any provision of this Bylaw;

17.1.2 Impede, obstruct or hinder a Member, or other person assisting or acting under the direction of a Member;

17.1.3 Fail to obey the emergency traffic control direction of a member.

17.1.4 Damage or destroy Fire Department Property, Apparatus or Equipment;

17.1.5 At an Incident, drive a vehicle over any Equipment or Fire Department Property without permission from the Fire Chief or Incident Commander;

17.1.6 Obstruct a Member from carrying out any function or activity related in any way to Fire Protection;

17.1.7 Obstruct or otherwise interfere with access roads or streets or other approaches to any Fire alarm, Fire hydrant, cistern or body of water designated or intended to be used for Fire Protection or any connections provided to a Fire main, pipe, stand pipe, sprinkler system, cistern, or other body of water designated or intended to be used for Fire Protection;

17.1.8 Permit a Fire to be lit upon lands that are owned or occupied by that person, or under that person's control except when such a Fire is allowed under this Bylaw;

17.1.9 When a Fire is set under the circumstances described in Section 17.1.8 the owner or occupier of the land, or the person having control of the land upon which the Fire is lit does not extinguish the Fire immediately or if unable to extinguish the Fire immediately, report the Fire to the Fire Department.

- 17.1.10** Either directly, or indirectly, personally or through an agent, servant or employee kindle a Fire or let it become a Running Fire on any land not his or her own property or allow a Running Fire to pass from his or her own property to that of another;
- 17.1.11** Light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times;
- 17.1.12** Light a Fire when the weather conditions are conducive to creating a Running Fire;
- 17.1.13** Fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or from spreading onto Property other than his or her own;
- 17.1.14** Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire;
- 17.1.15** Conduct any activity that involves the use of Fire that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring;
- 17.1.16** Use a Fire to burn:
- 17.1.16.1** Material that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, or other materials or creosoted wood; or
- 17.1.16.2** Herbicides, pesticides or other toxic materials or substances;
- 17.1.17** Conduct any activity that involves the use of any type of Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any Highway as defined in the *Traffic Safety Act*;
- 17.1.18** Light a Fire on lands owned or controlled by the Town except with the Town's express written consent or, if a Recreational Fire, in a Fireplace or Fire Pit provided by the Town for that purpose.
- 17.1.19** Provide false, incomplete or misleading information to the Fire Chief or his/her designate or any representative of the Fire Department with respect to a Fire or a Fire Permit application;

SECTION 18 PENALTIES

18.1 Any Person who:

- 18.1.1** Violates any provision of this Bylaw;
- 18.1.2** Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- 18.1.3** Neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
- 18.1.4** Does any act or thing or omits any act or thing which violates any provision of this Bylaw;

is guilty of an offence under of this Bylaw, and upon a conviction, is liable to a fine as set out in Schedule "A" attached hereto and forming a part of this Bylaw.

- 18.2** Notwithstanding Section 18.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within ONE (1) year of committing the first offence shall be liable to either double the fine for the first offence or the fine specifically establishes for subsequent offences as set out in Schedule "A" of this Bylaw.

- 18.3** Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

SECTION 19 VIOLATION TAGS AND TICKETS

- 19.1** Where an Enforcement Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Enforcement Officer is authorized and empowered to issue a Violation Tag to any Person who the Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
- 19.2** A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of actual service upon the Person or by mailing a copy to the Person at his/her address as it appears on the Town's tax roll or where the Person is a body corporate, to the registered office of the corporation as it appears in the Corporate Registry.
- 19.3** Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the person and within fourteen (14) business days if served by mail.
- 19.4** Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Enforcement Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to any person the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 19.5** Notwithstanding Section 19.1, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in the Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.
- 19.6** The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule "A" of this Bylaw in respect of that provision.
- 19.7** Where any Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second such contravention shall be double the amount provided for in Schedule "A" of this Bylaw.
- 19.8** Where any Person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent such contravention shall be triple the amount provided for in Schedule "A" of this Bylaw.

SECTION 20 ENFORCEMENT

- 20.1** Where Property does not comply with this Bylaw or a Person contravenes this Bylaw, the Town may pursue its enforcement alternatives in accordance with any Act, or common law right, including but not limited to the issuance of an order to remedy the contravention by the Town, adding amounts to the tax roll, and pursuing injunctions pursuant to the *Municipal Government Act*.

SECTION 21 NOTICE

- 21.1** Any Notice provided for in this Bylaw shall be in writing.
- 21.2** Service of any Notice provided for in this Bylaw may be made as follows:
- 21.2.1** Personally upon the Person to be served; or
 - 21.2.2** By mailing the copy to the Person to be served by double registered mail or certified mail to the last known post office address of the Person to be served and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the Person to be served or to any Person receiving it on his/her behalf;

21.2.3 Where the Property is not occupied, by mailing the notice by double registered mail or certified mail to the mailing address noted on the Town's tax roll for that Property, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf; or

21.2.4 As directed by the Court.

SECTION 22 GENERAL

22.1 Should any section or part of this Bylaw be found to be improperly enacted, or outside the Town's jurisdiction, for any reason, then such section or part will be regarded as being severed and the remaining sections will remain effective and enforceable.

22.2 This Bylaw will function in conjunction with all policies and Guidelines, including but not limited to the SOG's, relating to the Fire Department and the provision of Fire Protection Services as may be adopted by Council from time to time.

22.3 Where the singular and/or masculine are herein used, the plural and feminine should also be inferred where appropriate.

22.4 Bylaw **899** is hereby repealed.

22.5 Bylaw **605** is hereby repealed.

22.6 Bylaw **928** is hereby repealed.

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

Read a first time this 27th day of September, A.D. 2010.

Read a second time this 27th day of September, A.D. 2010.

Read a third time and duly passed this 27th day of September, A.D. 2010.

Doug McDermid, Mayor

Karen St. Martin, CAO

SCHEDULE "A"
PENALTIES

SECTION	OFFENCE	VIOLATION TAG	VIOLATION TICKET
11.1	Setting Illegal Fire	\$200.00	\$300.00
11.2	Burning refuse, waste, junk, garbage, structures, or debris	\$250.00.	\$350.00
12.4	Contravene Fire Ban	\$500.00	\$700.00
17.1.1	Contravening a provision of Bylaw (where no other specific fine imposed)	\$200.00	\$300.00
17.1.2	Impeding, obstructing, hindering Member or Officer	\$200.00	\$300.00
17.1.4	Damage, destroy Fire Department Property	\$400.00	\$500.00
17.1.20	Fail to obey emergency traffic control direction of member	\$200.00	\$300.00
17.1.7	Obstruct access	\$400.00	\$500.00
17.1.8	Lighting an Outdoor Fire or Structure Fire in contravention of the Bylaw	\$200.00	\$300.00
17.1.10	Allowing Fire to become Running Fire	\$300.00	\$400.00
17.1.12	Lighting a Fire when condition conducive to creating Running Fire	\$500.00	\$700.00
17.1.11	Lighting a Fire without taking sufficient precautions to ensure it can be kept under control at all times	\$150.00	\$250.00
17.1.9	Failing to extinguish an illegal Fire or reporting it immediately to the Fire Department	\$300.00	\$400.00
17.1.14	Depositing, discarding, leaving, or burning matter or substance	\$100.00	\$200.00
17.1.15	Any conduct involving Fire that might reasonably cause a Fire unless reasonable care to prevent a Fire is used	\$100.00	\$200.00
17.1.16	Use a Fire to burn material that will produce smoke or toxic materials	\$100.00	\$200.00
17.1.17	Impeding Vehicular and pedestrian traffic by smoke	\$100.00	\$200.00
17.1.18	Lighting Fire on Town Land	\$150.00	\$250.00

