

TOWN OF CALMAR

BYLAW #2023-10

BEING A BYLAW OF THE TOWN OF CALMAR, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FIRE PROTECTION AND PRESERVATION OF LIFE AND PROPERTY WITHIN THE TOWN.

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 the bylaws;

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;

WHEREAS Council for the Town of Calmar wishes to provide for the prevention, regulation and control of the lighting of fires within the Town;

WHEREAS the Town of Calmar has entered into a service agreement with Leduc County respecting the provision of fire protection services within the boundaries of the Town of Calmar by Leduc County;

NOW THEREFORE the council of the Town of Calmar, in the Province of Alberta, duly assembled, enacts as follows:

1 **TITLE**

This bylaw may be cited as the **"Fire Services Bylaw"**

2. **DEFINITIONS AND INTERPRETATION**

In this bylaw:

- a) **"Agreement"** means the Fire Service Agreement entered into between the Town of Calmar and Leduc County respecting the provisions of Fire Protection within the boundaries of the Town by Leduc County;
- b) **"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;
- c) **"Burnable Debris"** means all combustible waste other than Prohibited Debris and is limited to, pallets and wood crating material, cardboard, normal office waste paper, brush and fallen trees in industrial burn barrels only;
- d) **"Burning Hazard"** means an actual or potential occurrence of fire or other combustion of organic material that could endanger human life or damage property;
- e) **"Council"** means the municipal council of the Town;
- f) **"Dangerous Goods"** means those products or substances which are regulated by the *Dangerous Goods Transportation and Handling Act*, R.S.A. 2000, c. D-4, as amended;

- g) **"Equipment"** means any tools , devices, materials or supplies used by or for Fire Services to respond to an incident;
- h) **"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;
- i) **"Fire Advisory"** means an indication that a fire restriction or ban may be implemented if weather conditions don't improve. If a fire advisory is issued, certain restrictions may be placed on burning;
- j) **"Fire Restriction"** means Fire Permits will not be issued. As well, all Fire Permits previously issued are suspended, as per the *Forest and Prairie Protection Act*. All open fires burning at the time the restriction comes into effect must be extinguished immediately. Use extreme caution when using approved fire pits;
- k) **"Fire Ban"** means Fire Permits will not be issued. As well, all Fire Permits previously issued are suspended, as per the *Forest and Prairie Protection Act*. All open fires burning at the time the restriction comes into effect must be extinguished immediately. All solid fuel outdoor burning is prohibited, the use of gas fueled barbecues, heaters and fire pits are allowed;
- l) **"Fire Chief"** means the employee of Leduc County who is appointed Fire Chief for the Town, in accordance with the agreement, or their delegate;
- m) **"Fire Hazard"** means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard;
- n) **"Fire Permit"** means a permit issued by the Fire Chief or their designate authorizing the setting of a specific type of fire;
- o) **"Fire Protection"** means any and all of the Fire Services enumerated in section 3 of this bylaw and includes any other service delivered by or for Fire Services that is authorized by Council;
- p) **"Fire Protection Charges"** means all costs incurred by or for Fire Services in providing Fire Protection within the Town's boundaries, the rates of which are set out in Fees and Charges Bylaw;
- q) **"Fire Services"** means the fire department established and organized by Leduc County to provide Fire Protection within the boundaries of the Town, in accordance with the agreement, and shall include all members and Fire Service property;
- r) **"Fire Service Property"** means all real and personal property owned, controlled or used by Fire Services including but not limited to Apparatus, Equipment and fire stations;
- s) **"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;
- t) **"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;
- u) **"Leduc County"** means the municipal corporation of Leduc County;
- v) **"Member"** means any individual who is duly appointed as a member of the Fire Services and includes the Fire Chief;
- w) **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- x) **"Municipal Tag"** means a notice issued by the Town pursuant to the *Municipal Government Act* for the purpose of providing a Person with the opportunity to acknowledge a contravention of this Bylaw and to pay a penalty directly to the Town, in order to avoid prosecution for the contravention;

- y) **"National Fire Code-2019 Alberta Edition"** means the *National Fire Code-2019 Alberta Edition*, passed pursuant to Alberta Regulation 21/2019, as amended;
- z) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Community Peace Officer employed by the Town, or a Bylaw Enforcement Officer appointed to enforce the Town's Bylaws;
- aa) **"Person"** includes any individual, firm, partnership or body corporate;
- bb) **"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;
- cc) **"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;
- dd) **"Smudge Fire"** means a fire which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost using hay, straw or coal;
- ee) **"Town"** means the municipal corporation of the Town of Calmar, or the geographical area of the Town, as applicable;
- ff) **"Town Manager"** means the chief administrative officer of the Town, or their delegate; and
- gg) **"Violation Ticket"** means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended.

3. **FIRE SERVICES**

Council authorizes Leduc County to provide Fire Protection for and on behalf of the Town for the purpose of:

- a) preventing and extinguishing fires;
- b) investigating the cause and origin of fires;
- c) preserving life and property and protecting Persons and property from injury or destruction by fire;
- d) preventing, combating and controlling fires;
- e) carrying out preventable controls;
- f) fulfilling the requirements of any mutual aid agreements with other municipalities;
- g) maintaining and operating Apparatus and Equipment for extinguishing fires and preserving life and property;
- h) providing rescue services for motor vehicle collisions, not including water or ice rescue;
- i) conducting pre-fire planning and fire inspections;
- j) providing public education and information regarding fire safety;
- k) training or other Member development; and in accordance with the Agreement, this Bylaw, policies and guidelines established by the Town from time to time and all applicable legislation.

4. **AUTHORITY AND RESPONSIBILITIES OF INCIDENT COMMAND**

- a) 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 Incident Command until relieved by another Member authorized to do so.
- b) Incident Command shall take action as deemed necessary for the preserving life and property and protecting Persons and property from injury or destruction by fire or other emergency and is authorized to:
 - i. 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 building, structure or property without permission;
 - ii. establish boundaries or limits to keep Persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the member in charge;
 - iii. request Peace Officer to enforce restrictions on Persons entering within the boundaries or limits outlined in subsection (b);
 - iv. cause a building, structure or thing to be pulled down, demolished or otherwise removed;
 - v. request Town manpower and Equipment considered necessary to deal with an incident; and
 - vi. require and adult person who is not a Member, to assist in:
 - 1. extinguish a fire or preventing the spread thereof;
 - 1.1. removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
 - 1.1.1. demolishing a building or structure at or near the fire or other incident.

5. **PERMITTED AND PROHIBITED FIRES**

- a) 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, unless the Person holds a valid permit and subsisting fire permit or the fire is exempt from the requirement for a Fire Permit under this Bylaw.
- b) No Person shall burn or cause to be burned any Prohibited Debris.
- c) A Fire Permit is not required under this Bylaw for Recreational Fire on a residential lot provided that:
 - i. a minimum of 3 metres clearance, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible material;
 - ii. the fire pit shall be surrounded by non-combustible surface extending 1 metre in circumference of the fire pit;
 - iii. the fire pit height does not exceed 61cm when measured from the surrounding grade to the top of the pit opening;
 - iv. the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edge;
 - v. 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; and

- vi. a spark arrestor mesh screen with openings no larger than 1.25cm and constructed of expanded metal is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks or embers.
- d) This Bylaw does not apply to:
 - i. an outdoor fire lit by Fire Services for training or preventive control purposes;
 - ii. an outdoor fire that is a flare stack used in the petroleum industry; or
 - iii. a fire confined to an incinerator regulated under the *Environmental Protection and Enhancement Act*.
- e) Smudge Fires are prohibited within the Town
- f) A Fire Permit is required for any industrial burning barrel subject to:
 - i. an inspection from the Fire Chief or designate of burning barrel;
 - ii. burning barrels are for Burnable Debris only; and
 - iii. a permit may be issued on an ongoing basis, to a maximum of one year, at which point a re-inspection and new permit is required.

6. **FIRE PERMITS**

- a) Upon receipt of an application for a Fire Permit the Fire Chief may, in his discretion, refuse a Fire Permit or issue a Fire Permit with, or without, conditions.
- b) A Fire Permit shall include:
 - i. the full name and contact information of the permit holder;
 - ii. the dates for which the permit is valid; and
 - iii. the location where the fire may be lit; all of which constitute terms and conditions of the Fire Permit.
- c) A Fire Permit may include any further terms and conditions that the Fire Chief deems advisable for the safe conduct of the fire.
- d) A Fire Permit is not transferable from one Person to another or from one location to another.

7. **PERMIT HOLDER RESPONSIBILITIES**

- a) Every Person who sets a fire under authority of a Fire Permit shall:
 - i. keep the permit at the site of the fire;
 - ii. produce the permit to a Member or a Peace Officer upon demand;
 - iii. have a responsible adult person in attendance at the fire at all times;
 - iv. keep the fire under control;
 - v. extinguish the fire before expiration of the permit or upon cancellation of the permit; and
 - vi. be responsible for any costs incurred by Fire Services when called upon to extinguish such fire if, in the opinion of the Fire Chief, the fire is a hazard to Persons or property.

8. **REVOCABILITY OF PERMIT**

- a) A Person to whom a Fire Permit has been issued and any Person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such Fire Permit, shall comply with any terms or conditions forming part of the Fire Permit.
- b) A Person shall not make any false or misleading statements or provide any false or misleading information to obtain a Fire Permit pursuant to this Bylaw.
- c) If any terms or condition of a Fire Permit issued pursuant to this Bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the Fire Chief may immediately cancel the permit.

9. **PROOF OF PERMIT**

The onus of providing a Fire Permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this Bylaw is on the Person alleging the existence of such a Fire Permit on a balance of probabilities.

10. **FIRE CONDITIONS**

- a) The Fire Chief in consultation with the Town Manager, from time to time, set conditions to advise, restrict or ban all fires in the Town, whether requiring a Fire Permit or not, when in the opinion of the Fire Chief, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- b) The condition imposed pursuant to subsection (1) above, shall remain in force until either the date provided in the notice of the condition or until such time as the Fire Chief provides notice to the public the condition is no longer in effect.
- c) Notice of the condition shall be provided to the public. Notice may be in the form of signs posted throughout the Town, in locations to be determined by the Fire Chief, through a public service message on the local radio stations, or by any other means which the Fire Chief determines is appropriate for the purpose of informing the public.

11. **FIRE PROTECTION CHARGES**

- a) Upon Fire Services providing Fire Protection on a parcel of land within the Town's boundaries, the Town may, in its sole and absolute discretion, charge any or all of the following Persons, namely:
 - i. the Person or Persons causing or contributing to the fire;
 - ii. the occupant of the parcel of land;
 - iii. the owner of the parcel of land;

Fire Protection charges, and all Persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Town. Charges are indicated within the Fees and Charge Bylaw.

- b) Fire Protection Charges shall be paid within (30) days of receipt of an invoice.
- c) Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Town is entitled to on the parcel of land in respect of which the indebtedness is incurred.

- d) The owner of the parcel of land within the Town to which Fire Protection is provided is liable for Fire Protection Charges incurred and the Town may add to the tax roll of the parcel of land all unpaid Fire Protection Charges, which forms a special lien against the parcel of land in favour of the Town from the date the amount was added to the tax roll, in accordance with section 553 of the *Municipal Government Act*.

12. **REPORTING REQUIREMENTS**

- a) The owner or their authorized agent of any property damage by fire shall immediately report to Fire Services the particulars of the fire to the satisfaction of the Fire Chief.
- b) The owner or their authorized agent of any property containing a Dangerous Good(s) product which sustains an accident or unplanned release of the Dangerous Good(s) product shall immediately report to the Fire Chief particulars of the release to the satisfaction of the Fire Chief.

13. **FIRE HYDRANTS**

- a) No Person, other than a Member, authorized employee or agent of the Town shall, without prior approval from the Town, affix any tool, hose or other device to any hydrant or fire hydrant valve.
- b) No person, other than a Member, authorized employee or agent of the Town shall, without prior approval from the Town, paint, deface or tamper with any fire hydrant or any portion thereof.


14. **EFFECTIVE DATE**


This Bylaw comes into force on the day it is given final reading and further that Bylaw 2022-12 is rescinded.

READ FIRST TIME THIS 06 DAY OF FEBRUARY 2023.

READ A SECOND TIME THIS 06 DAY OF FEBRUARY 2023.

READ A THIRD TIME, BY UNANIMOUS CONSENT, THIS 06 DAY OF FEBRUARY 2023



Mayor Carnahan


CAO Losier