BYLAW #C5-00

A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING FIRE SERVICES IN AND FOR THE CITY OF FORT SASKATCHEWAN

WHEREAS the <u>Municipal Government Act</u>, S.A. 1994, c. M-26.1, as amended (hereinafter referred to as "the Act"), 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 WHEREAS the <u>Forest and Prairie Protection Act</u>, R.S.A. 1980, c. F-10.1, as amended, provides certain additional powers which may be enacted by the council of a municipality so that it can enforce the provisions of the said Forest and Prairie Protection Act within the boundaries of the municipality;

AND WHEREAS the Council of the City of Fort Saskatchewan wishes to establish fire services within the City and to provide for the efficient operation of such fire service;

NOW THEREFORE the Council of the City of Fort Saskatchewan, in the Province of Alberta, duly assembled, enacts as follows:

1. NAME OF BYLAW

(a) This Bylaw may be cited as "Fire Service Bylaw".

2. DEFINITIONS

In this Bylaw:

- (a) "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the City Manager to do any or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police;
- (b) "Council" means the Council of the City of Fort Saskatchewan;
- (c) "City" means the City of Fort Saskatchewan;
- (d) "Dangerous Goods" means any product, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the <u>Transportation of Dangerous Goods Act</u>, R.S.A. 1980, c. T-6.5, as amended;
- (e) "Emergency Unit" means a fire truck, pumper truck, rescue truck, brush truck, dangerous goods unit or tanker;
- (f) "False Alarm" means any fire alarm that is set out needlessly, through willful or accidental, human or mechanical error, and to which Protective Services responds;
- (g) "Fire Department" means the Fire Department as established and organized for the City pursuant to the provisions of this Bylaw consisting of, inter alia, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Department, including fire stations;
- (h) "Fire Guardian" means each Member of the Fire Department and such other persons as appointed by the City Manager to perform such functions as are set forth in this Bylaw;
- (i) "Fire Permit" shall mean a document in the form set out in Schedule "A" of the Fire Permit, as endorsed by the Fire Department;
- (j) "Fire Services Chief" means the Fire Services Chief for the City of Fort Saskatchewan and who performs the duties and responsibilities of a fire chief;

- (k) "Incident" means a fire or a situation where an explosion is imminent or any other situation where there is a danger or a possible danger to life or property and to which the Fire Department has responded;
- (I) "Incinerator Fire" means a fire that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size not larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, which fire is set for the purpose of burning household refuse, excepting plastic products;
- (m) "Member" means any person who is a duly appointed Member of the Fire Department, including a Part-Time Member and Volunteer Members;
- (n) "Open Fire" shall mean any Fire which is not an Incinerator Fire, Pit Fire, Public Park Site Fire and Smudge Fire, and which, without limiting the generality of the foregoing shall include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;
- (o) "Part-time Member" means:
 - (i) person who is a duly appointed Member of the Fire Department and who receives remuneration for his or her services at a rate of pay established by Council;
 - (ii) a person who is a duly appointed Member of the Fire Department and who has advised the City in writing that he or she is willing to gratuitously perform his or her functions under this Bylaw;
- (p) "Pit Fire" means a fire as described in Schedule "B" of this Bylaw and which is totally confined within a non-combustible structure or container, covered with a heavy gauge metal spark retention screen having a mesh size no larger than 13 millimetres. They must be ventilated in such a manner as to precluded the escape of combustible materials including ash, and the fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fuelled with dry wood, charcoal, coal, natural gas or propane. Fires will only be allowed in "Fire Pits" which are built as per Schedule "B".
- (q) "Portable or Fixed Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors;
- (r) "Public Park Site Fire" means a fire on land owned or leased by the City or its agents for recreational purposes and which is confined to a non-combustible container supplied by the City, as approved by a Fire Guardian, or, a Portable or Fixed Appliance which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fuelled with dry wood, charcoal, coal, natural gas or propane:
- (s) "Running Fire" means a fire burning without being under the proper or any control of any person;
- (t) "Smudge Fire" means a fire confined within a non-combustible structure or container that is set on land of one (1) acre or more in area, for the purpose of protecting livestock from insects or from protecting garden plants from frost;
- (u) "Violation Tag" means a tag or similar document issued by the City pursuant to the Act, as amended;
- (v) "Violation Ticket" means a ticket issued pursuant to Part II of the <u>Provincial Offences Procedure Act</u>, S.A. 1988, c P-21.5, amended, and Regulations thereunder.

3. FIRE DEPARTMENT

- (a) The Council does hereby establish the Fire Department for the purpose of:
 - (i) Preventing and extinguishing fires;
 - (ii) Investigating the cause of fires;
 - (iii) Preserving life and property and protecting persons and property from injury or destruction by fire;
 - (iv) Providing rescue and assisting with ambulance and emergency medical services;
 - (v) Preventing prairie or running fires and enforcing the provisions of the Forest and Prairie Protection Act;
 - (vi) Preventing, combating and controlling incidents;
 - (vii) Carrying out preventable patrols;
 - (viii) Entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
 - (ix) Purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property.
- (b) The Fire Department is hereby authorized to control and mitigate incidents involving Dangerous Goods.

4. FIRE SERVICES CHIEF

- (a) The Fire Services Chief, shall be responsible to the Council through the City Manager, the Manager of Community and Protective Services and the Director of Protective Services.
- (b) The Fire Services Chief, has complete responsibility and authority over the Fire Department, subject to the direction of Council, and shall, upon approval of Council, prescribe rules, regulations and policies for the ongoing organization and administration of Fire Services, including but not limited to:
 - (i) The use, care and protection of Fire Department property;
 - (ii) The appointment, recruitment, conduct, discipline, duties and responsibilities of the Members;
 - (iii) The efficient operation of the Fire Department.
- (c) Regulations, rules or policies made pursuant to Section 4.3 of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- (d) The Fire Services Chief shall:
 - (i) Upon approval of the Council, purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance and administration of Fire Services to be used in connection therewith.
 - (ii) Keep or cause to be kept, in proper form, records of all business transactions of the Fire Department, including the purchase or acquisition of equipment, apparatus, materials or supplies and records of fires attended, actions taken in extinguishing fires, inspections carried out and actions taken on account of inspections and any other records incidental to the operation of the Fire Department;

- (iii) Upon approval of Council, negotiate with the Provincial Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements with recommendations and concerns regarding the establishing or renewing of any mutual aid agreement or fire control agreement or amendments thereto;
- (iv) Perform such functions and have such powers and responsibilities as Council may from time to time prescribe.
- (e) The Fire Services Chief, or any other Member in charge at a fire, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
- (f) The Fire Services Chief, or any other Member in charge at an incident, is empowered to cause the Fire Department to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the incident in whatever manner he deems necessary.

5. FIRE GUARDIANS

(a) Each duly appointed Fire Department Member is a Fire Guardian by virtue of his or her appointment as a Member of the Fire Department.

6. POWERS OF FIRE GUARDIANS

- (a) Each Fire Guardian shall be given access at reasonable hours, to both public and private places, for the purpose of inspecting the premises to ascertain whether the same constitutes or is likely to constitute a fire hazard.
- (b) Each Fire Guardian shall have the authority and power to:
 - (i) Require any able-bodied adult person, who is not exempt by the regulations of the <u>Forest and Prairie Protection Act</u> to assist in extinguishing fires and to assist in the prevention or spread thereof;
 - (ii) Commandeer and authorize payment for the possession or use of any equipment for the purpose of fighting a fire;
 - (iii) Enter a closed area under the <u>Forest and Prairie Protection Act</u> without a permit or written permission of a forest officer, subject only to the regulations of the <u>Forest and Prairie Protection Act</u>;
 - (iv) Obtain from every person found on public land or leaving or entering public land that person's name, address and an account of his activities and the route or the activities he proposes to carry out and the route he intends to follow on the public land;
 - (v) Issue a Fire Permit on behalf of the City and in respect of any land within the City;
 - (vi) Issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian, in his discretion, considers appropriate;
 - (vii) Suspend or cancel, at any time, a Fire Fermit;
 - (viii) Without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging his duties under this Bylaw or the <u>Forest and Prairie Protection Act</u>;
 - (ix) Without a warrant enter any private dwelling house which is on fire and proceed to extinguish the fire or to prevent the spread thereof;
 - Direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;

(xi) Prevent 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 any fire.

7. CONTROL OF FIRE HAZARDS

- (a) If the City finds within its municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the City.
- (b) When the City finds that the order it made pursuant to Section 8(a) has not been carried out the City may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- (c) The Owner or the person in control of the land on which work was performed pursuant to Section 7(a) shall on demand reimburse the City for the cost of the work performed and in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect to that land.

8. REQUIREMENT TO REPORT

- (a) The Owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Department particulars of the fires which are satisfactory to the Fire Services Chief.
- (b) The Owner or his authorized agent of any property containing a Dangerous Good(s) product which sustains an accidental or unplanned release of the Dangerous Good(s) product shall immediately report to the Fire Department particulars of the release which are satisfactory to the Fire Services Chief.

9. FIREWORKS

(a) The City may allow for the inclusion of Fireworks display in City sponsored and/or co sponsored events. All such displays shall be in accordance with the Alberta Fire Code and its regulations and in accordance with those conditions determined solely by the City. No other person or organization shall initiate a Fireworks display within the City of Fort Saskatchewan limits.

10. FIRE PERMIT

- (a) No person shall permit a Open Fire or Incinerator Fire upon land owned or occupied by him or under his control within the City except when he is the holder of a subsisting Fire Permit issued pursuant to this Bylaw, unless:
 - (i) The fire has been set by the Fire Department for the purpose of training; or
 - (ii) The fire has otherwise been authorized by the Fire Department.
- (b) Any person wishing to obtain a Fire permit must apply for such Permit with the City through the Fire Department as set out in Schedule "B".
- (c) Upon application for a Fire Permit, the Fire Guardian shall consider the Fire Permit application, and may, in his sole and absolute discretion:
 - (i) Refuse to grant a Fire Permit;
 - (ii) Grant a Fire Permit without terms and conditions;
 - (iii) Grant a Fire Permit upon such terms and conditions as the Fire Department deems advisable.
- (d) A Fire Permit shall not be transferable.
- (e) Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian and the Fire Permit shall have endorsed therein the period of time for which the said Permit is valid.

- (f) A Fire Guardian may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.
- (g) A Fire Guardian may, in his sole and absolute discretion, terminate, suspend or cancel a Fire Permit at any time.
- (h) Each Fire Permit application and Fire Permit must contain the following information:
 - (i) The name, address and telephone number of the applicant;
 - (ii) The municipal address or legal description of the land on which the applicant proposes to set a fire;
 - (iv) Location of fire;
 - (v) The type and description of material which the applicant proposes to burn;
 - (vi) The period of time for which the Fire Permit is valid;
 - (vii) The precautions, if any, that will be taken by the applicant to ensure that the proposed fire remains under his control;
 - (viii) The signature of the applicant;
 - (ix) The signature of the Fire Guardian issuing the Fire Permit.

11. RECOVERY OF COSTS

- (a) Where the Fire Department has taken any action whatsoever under the guidelines stated in schedule "C", item "1" or where the Fire Department incurs a cost to secure or salvage property and such cost is over and above the normal cost to preserve life or property from fire and other incident, the Fire Services Chief may, in respect to such costs incurred by the Fire Department in taking such action, charge these costs to the person who caused such action to be taken or the owner or occupant of the land in respect of which the action was taken.
- (b) The schedule of costs and fees to be charged by Fire Department for services rendered pursuant to this Bylaw shall be as set out in Schedule "C" attached to and forming part of this Bylaw.
- (c) In respect of the costs or fees described in Sections 10(a) and 10(b):
 - (i) The City may recover such costs or fees as a debt due and owing to the City; or
 - (ii) In the case of action taken by the Fire Department in respect of land within the City, where the cost or fee is not paid upon demand by the City, then in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land.

12. OFFENCES

- (a) Any person who ignites, fuels, supervises, maintains or permits an Open Fire or Incinerator fire within the municipal boundaries of the City without a valid Fire Permit as required by this Bylaw is guilty of an offence, unless:
 - (i) The fire is a Smudge Fire confined within a non-combustible structure or container that is set on land of one (1) acre or more in area, for the purpose of protecting livestock from insects or for protecting garden plants from frost;
- (b) When a fire is lit under the circumstances described in Section 11(a), and such fire is not permitted pursuant to this Bylaw, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - (i) Extinguish the fire immediately; or

- (ii) Where he is unable to extinguish the fire immediately, report the fire to the Fire Department.
- (c) No person shall, either directly or indirectly personally or through an agent, servant or employee, kindle a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.

(d) No person shall:

- (i) Light an Open Fire, Incinerator Fire, Pit Fire or Smudge Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
- (ii) Light an Open Fire, Incinerator Fire, Pit Fire or Smudge Fire when the weather conditions are conducive to creating a Running Fire;
- (iii) Place a Pit Fire less than 3.0 metres from any structure including but not limited to a fence, or deck, or within 3.0 metres from the eave of a garage, shed or house;
- (iv) Burn in a Pit Fire garbage, leaves, straw, painted wood, treated construction materials and items made of or containing rubber, plastic, tar or any materials deemed for disposal.
- (v) Fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his own;
- (vi) Deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire;
- (vii) Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring;
- (viii) Provide false, incomplete or misleading information to the City or to the Fire Department on or with respect to the application for a Fire Permit;
- (ix) Interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property;
- (x) Interfere with the operation of any Fire Department equipment or apparatus required to extinguish fires or preserve life or property;
- (xi) Damage or destroy Fire Department property;
- (xii) Falsely represent himself as a Fire Department Member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- (e) No person shall use a fire to burn:
 - (i) Manure;
 - (ii) Livestock or other animal carcasses;
 - (iii) Material that will result in the production of dense black smoke including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, household plastics, rubber materials or creosote wood;
 - (iv) Herbicides, pesticides or any other toxic material or substances.
- (f) Nothing in this Bylaw shall be deemed to authorize any fire, burning or other act which is in contravention of the <u>Environmental Protection and Enhancement Act</u>, S.A. 1992, c E-13.3 and amendments thereto, or any regulation made thereunder, and in the

event of any conflict between the provisions of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

13. PENALTIES

- (a) A person who contravenes or fails to comply with any conditions in a Permit or with any order or request directed to him pursuant to this Bylaw is guilty of an offence and liable:
 - (i) If the offence is a contravention of Section 12(d)(vi) of this Bylaw, to a fine of not less than \$25.00 and not more than \$300.00;
 - (ii) If the offense is a contravention of any other section of this Bylaw, to a fine of not less than \$100.00 and not more than \$1,000.00.
- (b) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probably grounds to believe has contravened any provision of this Bylaw.
- (c) A Violation Tag may be issued to such person:
 - (i) Either personally; or
 - (ii) By mailing a copy to such person at his last known post office address.
- (d) The Violation Tag shall be in a form approved by the City and shall state:
 - (i) The name of the person;
 - (ii) The offence;
 - (iii) The appropriate penalty for the offence as specified in this Bylaw;
 - (iv) That the penalty shall be paid within fourteen (14) days of the issuance of the Violation Tag;
 - (v) Any other information as may be required by the City.
- (e) Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- (f) 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 City the penalty specified on the Violation Tag.
- (g) Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

14. VIOLATION TICKET

(a) If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the <u>Provincial Offences Procedure Act</u>, S.A., 1988, c. P-21.5, as amended.

15. SEVERABILITY

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

16 FEES & CHARGES BYLAW C1-98 AMENDMENT

C17-99

(a) That the Schedule "A-1" of the Fees and Charges Bylaw G1-98 is hereby amended by incorporating Schedule "C", which is attached to and forms part of this bylaw.

17. REPEAL

(a) Bylaw No. 1995 is hereby repealed.

READ a first time this 13th

13th day of

MARCH

, 2000.

READ a second time this

13th day of

MARCH

, 2000.

READ a third time and finally passed this 28th day of

MARCH

, 2000.

MAYOR

DIRECTOR LEGISLATIVE SERVICES

Date Signed: March 28, 2000

CATY OF FOR STICHEWAN

ASPECT DATE INT'L

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SCHEDULE "A" BYLAW #C5-00 FIRE PERMIT



FIRE PERMIT

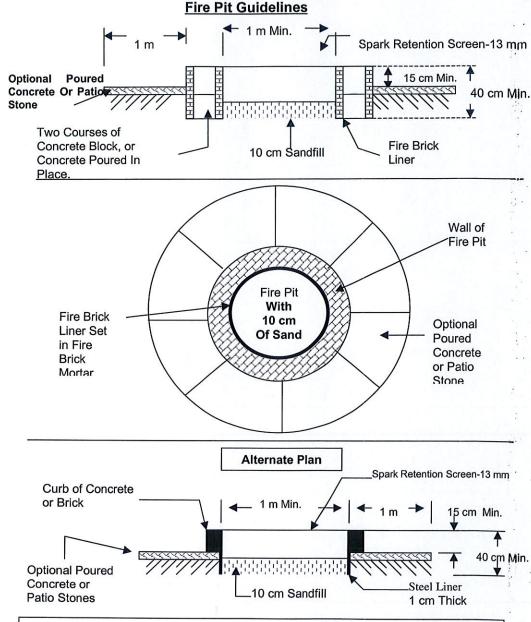
	NO	_
Issued under authority of th	e City of Fort Saskatchewan Bylaw No. C5-00 and Regulations there	und
HIS PERMIT uthorizes		
f	(Address)(Telephone Number).
kindle fires on the following lands/p	property	
urning shall be done in compliance ade thereunder, and the following o	with The City of Fort Saskatchewan Bylaw No. C5-00 and Regulations conditions:	
1. Winds not to exceed 25 kg	xph.	
2. Person (18 years of age	or older) shall be in attendance at all times fire is burning.	
3.		
4		
4ffective Date:	Expiry Date:	bility
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4	Expiry Date: itions and regulations governing this Fire Permit and accept full responsi	
4	Expiry Date: itions and regulations governing this Fire Permit and accept full responsi	

NOTE: This permit is not valid unless countersigned and may be cancelled at any time.

CONDITIONS: A fire permit is valid only for the period indicated above. A fire permit may be cancelled or suspended at any time by a Fire Department Official. Upon receipt of cancellation, the Permit Holder shall immediately extinguish any fire set pursuant to this permit. Every person who sets a fire under authority of a permit shall keep the permit at the site of the fire; produce and show the permit to an officer on request; keep the fire under control; and extinguish the fire before expiration of the permit or upon cancellation of the permit.

SCHEDULE "B" BYLAW #C5-00 PIT FIRE GUIDELINES

Fort Saskatchewan Fire Department



- There shall be 3 meters between the eave of nearest building and closest edge of fire pit proper.
- Fire Pit shall not be constructed within 3 meters of a fence.

SCHEDULE "C" BYLAW #C5-00 FIRE DEPARTMENT FEES & CHARGES

Whenever the Department responds to a Fire, Rescue, Dangerous Goods or other 1. incident on any property, \$500.00 per hour, per unit or any portion thereof, exclusive of command cars, the department may implement this fee for service with the following quidelines

a) An unregulated release of dangerous goods;

- b) A fire for which a person is convicted of arson under the Criminal Code of Canada
- c) An open air fire which is intentionally set, with or without permit, and becomes out of control, or some other emergency results;
- d) Any request for emergency response service made willfully, in any manner, without reasonable cause;
- e) Response to a motor vehicle accident, and/or a similar incident within, or outside the City of Fort Saskatchewan.

Plus the cost for replacement of equipment and/or materials used, lost or damaged as a result of the response.

2. Emergency Responses (excluding ambulance calls) to other Municipalities: \$500.00 per hour, per unit or any portion thereof.

Plus the cost for replacement of equipment and/or materials used, lost or damaged as a result of the response.

Fire Pit Permits \$10.00

Fire Pit Permits will be issued upon receiving a detailed site plan drawing and a fire pit description.

False Alarm Responses \$500.00 per incident If the owner has demonstrated his responsibility in investigating or initiating repair to the malfunctioning safety installation, no fee will be assessed.

5. Fire Department site inspections,

\$25.00 per inspection

6. Requested or required fire investigations: \$40.00 for the first hour or portion thereof; \$30.00 for each additional hour or portion thereof.

7. Business Inspections - third and each subsequent re-inspection to confirm deficiencies have been corrected: \$25.00

8. File Search/Report Copies: \$30.00 per file

9. Duplicate of Photograph: \$25.00 per photograph \$5.00 per copy

Photocopy of Photograph:

\$50.00 annually

10. Permit to sell fireworks (low level) or shop goods: Permit to discharge fireworks (high level) \$25.00

Site inspection and permit for flammable/combustible fuel tank installation: \$50.00 11. Site inspection and permit for flammable/combustible fuel tank removal: \$25.00

12. Public Education/Safety Programs: Cost recovery of consumables