BYLAW NO. 1757/2013 OF THE TOWN OF REDCLIFF IN THE PROVINCE OF ALBERTA

A BY-LAW OF THE TOWN OF REDCLIFF IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE SERVICES DEPARTMENT.

This Bylaw shall be known as the "Fire Services Bylaw".

WHEREAS, the *Municipal Government Act* of Alberta and amendments thereto provides that the Council of a municipality may pass a bylaw for municipal purposes respecting the safety, health and welfare of the people and the protection of people and property.

NOW THEREFORE THE MUNICIPAL CORPORATION OF REDCLIFF, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

INTERPRETATION AND DEFINITIONS

- 1. In this Bylaw, each of the following items shall, unless the context otherwise requires, have the meaning set out beside it.
 - a) "Acceptable Fire Pit" means an outdoor receptacle, including various types of outdoor burning fire pits, fire places, and portable fire receptacles and that meet the specifications of section 47 of this bylaw.
 - b) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting, as well as vehicles used to transport fire fighters or supplies.
 - c) "Bylaw Enforcement Officer" means any Peace Officer or Bylaw Enforcement Officer of the Town of Redcliff.
 - d) "Council" means the Council of the Town of Redcliff.
 - e) "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 *Dangerous Goods Transportation and Handling Act*.
 - f) "Designate" means a member of the Redcliff Fire Department delegated.
 - g) "Disaster" a sudden calamitous event bringing great damage, loss or destruction.
 - h) "Emergency" an unforeseen combination of circumstances or the resulting state that calls for immediate action.

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- i) "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
- j) "False Alarm" means any fire alarm that is set out needlessly, through wilful or accidental, human or mechanical error, and to which the Fire Department responds.
- k) "Fire Ban" means a provincial ministerial order or an order by the Fire Chief or their designate that may at their discretion cancel any or all fire permits, prohibit the lighting or require the extinguishment of a fire.
- l) "Fire Chief" means the staff member hired as the head of the Fire Department.
- m) "Fire Permit" means a permit issued by the Fire Chief or designate allowing for the setting of outdoor fires.
- n) "Fire Protection" means all aspects of fire safety, including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
- o) "Fire Incident" means a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger to life or property and to which the Fire Department has responded.
- p) "Member" means any person that is a duly appointed member of the Fire Department.
- q) "Municipal Manager" means the person appointed as the Chief Administrative Officer for the Town of Redcliff.
- r) "Outdoor Fire" means any fire other than that defined as an Incinerator Fire, Structure Fire or Smudge Fire and shall include, but not be limited to, fires involving humus, wood, soil, farm produce, bush, grass, feed, straw or coal or any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator. An Incinerator Fire or Smudge Fire without the required metal screen shall be deemed to be an Outdoor Fire.
- s) "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporate, association, society and any other legal entity.
- t) "Prohibited Debris" means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants, pursuant to Alberta Regulation 110/93. List below:
 Manure, livestock or other animal carcasses; 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; herbicides, pesticides or any other toxic material or substance.

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- u) "Running Fire" means a fire burning without being under the proper control of any person.
- v) "Town" means the Town of Redcliff.

FIRE DEPARTMENT

- 2. The Council does hereby establish the Fire Department, 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) Providing specialized rescue services.
 - e) Providing response to incidents involving dangerous goods to a first responder level,
 - f) Enforcing the provisions of the Alberta Fire Code,
 - g) Enforcing the provisions of the Safety Codes Act,
 - h) Carrying out preventable patrols, pre-fire planning and fire inspections,
 - Entering into agreements with other municipalities, agencies or persons for the joint use, control and management of apparatus and emergency equipment, subject to Council approval,
 - j) Purchasing and operating apparatus and equipment for fighting fires and preserving life and property.

FIRE CHIEF

- The Fire Department of the Town shall consist of a Fire Chief and such other officers and members as from time to time are necessary for command, control and administration of the Fire Department.
- 4. The Fire Chief shall be a paid half-time permanent employee of the Town of Redcliff.
- 5. Other Officers, as the Fire Chief deems necessary, may be appointed for the command, control and administration of the Fire Department after consultation with and approval of the

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Municipal Manager and in accordance with the budgetary constraints and policies of the Town of Redcliff.

- 6. The Fire Chief shall appoint an officer of the Fire Department to act as Fire Chief on his behalf in his absence.
- 7. The limits of the jurisdiction of the Fire Chief and the officers and members of the Fire Department will extend to the area and boundaries of the Town of Redcliff, and no part of the fire apparatus shall be used beyond the limits of the municipality without the expressed authorization of a written contract or agreement providing for the supply of firefighting services outside the municipal boundaries, unless the Town is deemed to be in imminent danger and it is deemed appropriate to stop a fire or emergency before it reaches the Town.
- 8. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction of the Municipal Manager to whom he shall be responsible, and in particular, he shall be required to carry out all necessary Fire Protection services, including but not limited to activities such as:
 - Fire Prevention, Inspections and Investigation, and Pre-Fire Planning and Preventative Patrols in accordance with the Quality Management Plan approved by the Safety Codes Council
 - Fire Fighting and Suppression
 - Rescue Services
 - Other Emergency Incidents
 - Public Education and Information
 - Disaster Planning
 - Training and Other Staff Development
 - Preserving life and property and protecting persons and property from injury or destruction by fire.
 - Providing response to incidents involving dangerous goods to a first responder level and securing resources to control and mitigate the incident.
 - Enforcing the provisions of the Alberta Fire Code.
 - Enforcing the provisions of the Safety Codes Act and its Regulations.
- 9. The Fire Chief, subject to the direction of the Municipal Manager, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including:
 - Use, care and protection of Fire Department property including agreements with neighbouring municipalities.
 - The conduct and discipline of officers and members of the Fire Department.

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- The filing of regular reports of all actions taken and response provided with the Municipal Manager who will in turn provide updates to Council through the monthly Municipal Manager Report.
- Efficient operations of the Fire Department.
- Standard operating guidelines.
- Minimum training standards in accordance with recognized industry best practices/standards and Town policy and budget for reimbursement.
- Adherence to Workplace Health and Safety regulations.
- Recruitment, appointment, assignment of duties and responsibilities of fire department members.
- 10. The Fire Chief, or in his absence, the senior ranking member present, shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident and where a member is in charge, he shall continue to act under the mandate of this bylaw until relieved by an officer of higher rank, or if agreed to, will continue.
- 11. Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by this Bylaw and/or assigned by the Municipal Manager. The Fire Chief shall report to the Municipal Manager on the operations of the Fire Department in the manner designated by the Municipal Manager and this Bylaw.
- 12. The Fire Chief or any other member in charge at an incident is hereby empowered to cause a building, structure or object to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or objects, or to make the area safe from abnormal types of remaining hazards.
- 13. The Fire Chief or any other member in charge at a fire incident is hereby empowered to enter the premises or property where the incident occurred and to cause any members, apparatus or equipment of the Fire Department to enter the premises or property as he deems necessary, in order to combat, control or deal with the fire incident.
- 14. The Fire Chief or any other member in charge at a fire incident is hereby empowered to establish boundaries or limits to the fire incident area and to keep persons from entering into the prescribed boundaries or limits unless authorized to enter by the Fire Chief or the member in charge of the incident.
- 15. The Fire Chief or any other member in charge at an incident is hereby empowered to call upon police officers to enforce restrictions on persons entering within the boundaries or limits of the incident.
- 16. The Fire Chief or any other member in charge at an incident is hereby empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or

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pass through or over the building where he deems it necessary to gain access to the fire or to protect any persons or property.

17. The Fire Chief may obtain assistance and/or support from other officials or the municipality, as he deems necessary in order to discharge his duties and responsibilities under this Bylaw.

RESCUE AND EXTRICATION

- 18. If, in the opinion of the Fire Chief, an accident occurs within the Town which requires specialized rescue or extraction equipment, the Fire Chief is authorized to summon whatever emergency agency services to that location that are equipped to deal with the situation.
- 19. For approved charges as described in Section 19, the Department will reimburse the responding agency and may proceed with action to obtain reimbursement from a third party or insurance company.
- 20. Redcliff Fire Department Incident Report must be fully completed, describing all services provided and may be accompanied by a copy of an RCMP Accident Report before the Town will consider payment of an invoice for such services as described in Section 19.
- 21. When an accident occurs on a primary highway, Section 19 and 20 shall not apply and will be billed to the Province of Alberta.
- 22. In consultation with other emergency agencies, the Department will establish and maintain responses for rescue and extrication services.

FIRE PREVENTION

- 23. The Fire Chief shall, subject to the direction of the Municipal Manager, establish a fire prevention program within the Town, including but not limited to:
 - a) Preventative inspections of properties or structures within the Town in accordance with the requirements of the Safety Codes Act; Quality Management Plan for the Town of Redcliff;
 - b) A review of designs, plans, specifications and processes to ensure conformance with the Safety Codes Act when required;
 - c) Preparation of pre-fire plans for high hazard occupancies;
 - d) Dissemination of fire prevention information to the general public.

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INVESTIGATIONS

- 25. The Fire Chief or member in charge at an incident shall ensure that a Safety Codes Officer (Fire Discipline) investigates the cause, origin and circumstances of every fire within his jurisdiction in which property is damaged or destroyed or in which a person loses his life or suffers injury.
- 26. As soon as practicable after the completion of the investigation, the Fire Chief or his designate shall prepare and submit a Fire Report to the Fire Commissioner.
- 27. If the person investigating an incident as described in Section 25 has information that indicates the fire is or may be of incendiary origin or has resulted in the loss of life, the RCMP are to be advised immediately of the incident.
- 28. In accordance with the provisions of the Safety Codes Act, only a Safety Codes Officer (Fire Discipline) may with consent or warrant, remain on the property of the fire incident to be investigated on behalf of the Fire Department.

FIRE HYDRANTS

- 29. No person, other than Members of the Fire Department or other designated employees of the Town, shall affix any tool, hose or other device to any fire hydrant or fire hydrant valve unless given permission by the Fire Chief or Director of Public Services.
- 30. No person shall, without prior approval from the Fire Chief or Director of Public Services, paint any fire hydrant, or any portion thereof.

REQUIREMENT TO REPORT

31. The Owner or his authorized agent of any property damaged by fire shall immediately report particulars of the fire to the Fire Chief or his representative.

SAFETY CODES OFFICERS (FIRE DISCIPLINE)

- 32. The Town of Redcliff in accordance with its Quality Management Plan must provide for Safety Codes Officers (as an accredited municipality by the Safety Codes Council) who may be directly employed or provided by agencies.
- 33. The Safety Codes Officer under the Fire Discipline is entitled to all the powers and privileges identified in the Safety Codes Act and in conjunction with each Safety Codes Officer's Designation of Powers.

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34. Unless of an extreme urgent nature, all Safety Codes Officers (Fire Discipline) shall advise the Fire Chief of any enforcement, inspection, or other activity they undertake pursuant to the Safety Codes Act.

FIRE PERMIT

- 35. A Fire Permit is required for all outdoor fires occurring in the Town of Redcliff, excluding fires in an acceptable fire pit.
- 36. Council from time to time by resolution or bylaw may establish a fee for issuing a Fire Permit.
- 37. An application for a Fire Permit for an outdoor fire shall be addressed to the Fire Chief and the Fire Chief or designate may, at his absolute discretion, issue to the applicant a Fire Permit.
- 38. When issuing a Fire Permit, a Fire Chief or designate may issue the Fire Permit unconditionally or impose conditions considered appropriate.
- 39. Fire Permits are valid for such period of time as shall be determined and set by the Fire Chief or designate and the Fire Permit shall have endorsed thereon the period of time for which the said Permit is valid.
- 40. A Fire Chief or designate, may extend the period of time that a Fire Permit is valid provided the Fire Permit has not expired.
- 41. A Fire Chief or designate may, in his absolute discretion, suspend or cancel a Fire Permit at any time.
- 42. Each application for a Fire Permit must contain the following information:
 - a) The name and address of the applicant,
 - b) The legal description and municipal address of the land which the applicant proposes to set a fire,
 - c) The type, and description of materials which the applicant proposes to burn,
 - d) The period of time for which the Fire Permit is valid,
 - e) The precautions, if any, that will be taken by the applicant to ensure that the proposed fire remains under control,
 - f) The signature of the applicant.
 - g) The signature of the Fire Chief or designate issuing the Fire Permit.
- 43. A Fire Permit shall not be transferable.

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- 44. A Fire Permit is not required for each fire utilized for heating, cooking and recreational purposes within the confines of a fire pit in accordance with Section 47.
- 45. A Fire Permit is not required for each fires set by the Fire Department for the purpose of training its members.

FIRE PITS

- 46. Where an emergency or potential emergency exists or due to hazardous weather conditions, the Fire Chief or his designate shall be empowered to suspend all Outdoor Fires, or any outdoor fire lit for cooking or warming purposes within all of a portion or portions of the Town for such a period of time and on such conditions as may be determined by the Fire Chief or his designate.
- 47. An acceptable Fire Pit as required under this Bylaw shall mean an outdoor receptacle that meets the following specifications:
 - a) a minimum of 3 metres clearance measured from the nearest fire pit edge from buildings, property lines and combustible materials, or as approved by the Fire Chief must be maintained;
 - b) the fire pit is not to be placed or constructed over a gas line or under an electrical line;
 - c) the fit pit opening shall not exceed one (1) metre in width or in diameter;
 - d) the fire pit height shall not exceed 0.6 metres when measured from the surrounding grade to the top of the pit opening;
 - e) it is constructed of bricks or concrete blocks, or heavy gauge metal or other suitable non-combustible components;
 - f) it has a spark arrestor mesh screen of 7 millimeters (.25 inches) expanded metal (or equivalent) to contain sparks over the fire at all times;
 - g) they be supervised at all times by a responsible adult person until such time that the fire has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire;
 - h) only wood, charcoal briquettes, propane or natural gas fuels are used; and
 - i) flame height does not exceed 90 cm (3.28) feet above the fire pit.

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FIREWORKS

49. Subject to the exceptions in this bylaw, no person shall discharge any fireworks within the corporate limits of the Town.

- 50. The Fire Chief may, upon written application, permit qualified personnel to ignite fireworks and conduct firework displays. The Fire Chief may impose conditions and restrictions on their use and display as may be appropriate. Such conditions and restrictions might address:
 - a) hours of the day, days of the week
 - b) length of the display
 - c) height of the display and type of fireworks used
 - d) geographic location requirements for notification of affected residents
 - e) safety
- 51. Prior to permission granted in Section 50 the applicant will be required to provide to the Town a copy of liability insurance in an amount not less than two million (\$2,000,000) dollars and which shows the Town as an additional named insured.
- 52. All fireworks shall be stored, used and ignited in accordance with provisions of the *Explosives Act (Canada)* and *Fire Code Regulation A.R. 52/98* and their regulations and in accordance with those conditions determined solely by the Town.
- 53. No person shall be permitted to sell fireworks within the Town unless in accordance with provisions of the *Explosives Act (Canada)* and *Fire Code Regulation A.R.* 52/98 and their regulations.

RECOVERY OF COSTS

54. Where the Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire incident, emergency incident or motor vehicle collision, motor vehicle extrication incident including any action taken by the Department on a false alarm or for the purpose of preserving life or property from injury or destruction by fire or other incident, in respect of any costs incurred by the Department in taking such action charge any costs so incurred by the Department to the person who caused the fire, emergency incident or motor vehicle collision, or the owner or occupant of the land or motor vehicle in respect of which the action was taken.

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- 55. In respect of the cost or fee described in Section 54:
 - a) The Town may recover such cost or fee as debt due and owing to the Town; or
 - b) In the case of action taken by the Department in respect of land within the Town, where the cost or fee is not paid upon demand by the Town, 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.
- 56. The costs and fees to be charged by the Department for services rendered pursuant to this Bylaw shall be established in the Rates, Fees, and Charges Bylaw.
- 57. In the event that the owner or occupant of any land within the Town shall feel aggrieved by any action taken by the Fire Chief to Section 54, such owner or occupant shall have a period of thirty (30) days from the date of mailing of notice of the action taken by the Fire Chief to appeal to Council the action taken by the Fire Chief. Any person or corporation assessed with the above mentioned fee may appeal to the Council to waive, consider or vary such fee as Council sees fit.
- 58. In respect of land within the Town, in the event that the amount levied by the Fire Chief shall not be paid within sixty (60) days after the mailing of a notice by the Fire Chief pursuant to Section 54 or in the event of an appeal, within sixty (60) days of the date of mailing of the decision of Council on the appeal, the amount levied and unpaid shall be charged against the land upon which the fire was started as taxes due and owing in respect of that land.

FIRE ALARMS

- 59. The Department will respond to fire alarms within the Town.
- 60. It is recognized that fire alarm systems are subject to fault and may produce false alarms for a variety of reasons including electrical interruption, weather conditions, internal faults or system component failures.
- 61. Fees for response to a false alarm are established in the False Alarm Bylaw.

OFFENCES

- 62. No person shall light an Outdoor Fire unless they are the holder of a subsisting Fire Permit if required under this Bylaw.
- 63. No person shall allow an Outdoor Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to this Bylaw.

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- 64. When a fire is lit under the circumstances described in Section 62, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - a) extinguish the fire immediately; or
 - b) where he is unable to extinguish the fire immediately, report the fire to the Fire Department; and
 - c) be liable to prosecution under conviction and/or costs incurred by the Town of Redcliff to respond, suppress and extinguish the fire.
- 65. No person shall, either directly or indirectly, personally or through an agent, servant or employee ignite 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.
- 66. No person shall light an Outdoor Fire, without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 67. No person shall place "prohibited debris" within a fire.
- 68. No person shall light an Outdoor Fire, barbecue/fire pit, or portable appliance not fuelled by propane or natural gas, during a municipal or provincial fire ban.
- 69. No person shall light an Outdoor Fire, or a fire pit fire during a municipal or provincial fire ban 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.
- 70. No person shall in any way, impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the member in charge at an incident.
- 71. No person shall disclose false information when applying for a fire permit.
- 72. No person shall allow any fire to give off a dense smoke or offensive odour in a manner which creates a risk to public safety.
- 73. No person shall falsely represent themselves as Fire Department members.
- 74. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for firefighting purposes or any connection provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for firefighting purposes.

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- 75. No person shall damage or destroy Fire Department apparatus or equipment at an incident or drive a vehicle over any equipment, including fire hose, at an incident without permission of the Fire Chief or the member in charge.
- 76. All building address numbers shall be displayed and be clearly visible from the street for the purpose of assisting emergency responders to locate the site in a timely manner. The Fire Department also suggests that building address numbers be installed on the alley side of buildings to assist in their identification.

PENALTIES

- 77. Any person who contravenes any provision of this Bylaw is guilty of an offence and may be issued a Violation Ticket by a Bylaw Enforcement Officer under Part Two (2) of the Provincial Offences Procedure Act and is liable to pay a fine of \$250.00.
- 78. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 79. Notwithstanding Section 77 of this Bylaw, any person who commits a subsequent offence under this Bylaw within one (1) year of committing the first offence may be issued a Violation Ticket and is liable to pay a fine of \$500.00.
- 80. Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued provided however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.
- 81. Every person who fails to make voluntary payment of the Specified Penalty Option and is found guilty of an offence under Part Two (2) of the Provincial Offences Procedure Act may be liable to a fine of not more than \$2000.00.

VIOLATION TICKETS

- 82. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a violation ticket to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 83. A violation ticket may be issued to such person:
 - a) either personally;
 - b) by mailing a copy to such person at his last known post office address, or

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- c) if upon a corporation, by serving the municipal tag by mailing a copy by registered mail, or serving a person who is the agent, representative, or a person in charge of the Designated Public Place.
- 84. The violation ticket shall be in a form approved by the Municipal Manager and shall state:
 - a) the name of the person;
 - b) the offence:
 - c) the municipal or legal description of the land on or near where the offence took place;
 - d) the appropriate penalty for the offence as specified in this bylaw;
 - e) that the penalty shall be paid within 30 days of the issuance of the violation ticket; and;
 - f) any other information as may be required.
- 85. Nothing in this bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a violation ticket.

GENERAL

86. If any section or sections of this bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

LIABILITY

- 87. The Fire Chief or any officer or member of the Fire Department charged with the enforcement of this Bylaw, acting in good faith and without malice for the municipality in the discharge or his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result or any act required or by reason of any act or omission in the discharge of these duties. Any suit brought against the Fire Chief, any official or member of the Fire Department because of such act or omission performed by him in the enforcement of any provision of this Bylaw, shall be defended by the Town until final determination of the proceedings.
- 88. Any person violating any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who fails to do anything required by this bylaw is subject to the enforcement provisions listed in this Bylaw.

REPEAL

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89. Bylaw No. 803, Bylaw No. 1375/2003, and Bylaw No. 1347/2003 are repealed with the coming into force of this Bylaw.

Read a first time in Council this 15th day of October, 2013.

Read a second time in Council this 9th day of December, 2013.

Read a third and final time in Council this 9th day of December, 2013.

PASSED and SIGNED this 17th day of December, 2013

Mayor

Manager of Legislative and Land Services