

**TOWN OF BOWDEN
BYLAW 04 - 2013
FIRE SERVICES BYLAW**

BEING A BYLAW TO PROVIDE FOR LICENCING, REGULATION AND CONTROL OF FIRES IN THE TOWN OF BOWDEN, PROVINCE OF ALBERTA AND TO RESCIND BYLAW 18/2001 BEING THE FIRE SERVICES BYLAW.

WHEREAS: Pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26 and amendments thereto, Council may pass a Bylaw for the purpose of regulating and controlling fires and activities in relation to them;

WHEREAS: Council wishes to establish fire services within the Town of Bowden and to provide for efficient operation of such fire services;

WHEREAS: It is deemed necessary and expedient to pass a Bylaw to regulate and control fires;

AND WHEREAS: Council has deemed it necessary to repeal and replace Bylaw 18/2001;

NOW, THEREFORE, THE COUNCIL OF THE TOWN, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 TITLE

This Bylaw is cited as "The Town of Bowden Fire Services Bylaw".

SECTION 2 DEFINITIONS AND APPLICATION

- a) **"Administration"** means the general operations of the Municipality, including all personnel, financial and other related resources, as permitted by the Municipal Government Act, RSA 2000, C. M-26, as amended, and any successor legislation.
- b) **"Acceptable Fire Pit"** means an outdoor receptacle that meets the following specifications:
 - i. a minimum of 3 meters clearance, measured from the nearest fire pit edge to the nearest edge of a building, property line, or other combustible material,
 - ii. a height not exceeding 0.6 meters when measured from the surrounding grade to the top of the pit opening,
 - iii. equipped with a mesh screen with openings no larger than 6mm,
 - iv. enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials, and
 - v. not located over any underground utilities or any aboveground wires.

- c) **"Acceptable Fireplace"** means an outdoor receptacle that meets the following specifications:
- i. a minimum of 1 meter clearance measured from the nearest fireplace edge to the nearest edge of buildings, property lines, or other combustible material,
 - ii. constructed of materials such as bricks or rocks that are non-combustible,
 - iii. equipped with a chimney that is not less than 2.5 meters in height when measured from the base of the fire burning area,
 - iv. a chimney equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks,
 - v. the base of the fire burning area is not less than 0.3 meters above the surrounding grade, and
 - vi. the fire chamber does not exceed 1.25 meters in width, and is at least 0.4 meters but not more than 0.6 meters in depth.
- d) **"Apparatus"** means any vehicle provided with machinery, devices, equipment or materials for fire fighting, as well as any vehicles used for transporting firefighters or supplies.
- e) **"Burning Hazard"** means an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or damage property.
- f) **"Bylaw Enforcement Officer"** means a Bylaw Enforcement Officer appointed by Town Council.
- g) **"Contained Fire"** means a fire which is totally confined within non-combustible structure or container which is ventilated in such a manner as to preclude the escape of combustible materials including ash.
- h) **"Council"** means the Council of the Town of Bowden.
- i) **"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 *Transportation of Dangerous Goods Act*.
- j) **"Emergency Unit"** means a fire truck, pumper truck, rescue truck, ambulance, mobile command unit, brush truck, dangerous goods unit, tanker, enforcement vehicle or other vehicle designated by Fire Services.
- k) **"Equipment"** means any tools, contrivances, devices or materials used by the Fire Services to combat an incident or other emergency.
- l) **"False Alarm"** means any fire alarm that is set off needlessly, through willful, accidental, human, or mechanical error, and to which Fire Services responds.
- m) **"Fire Hazard"** means a 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 document in the form prescribed by Fire Services as applicable.

- o) **"Fire Protection"** means all aspects of Fire Safety, including but not limited to: fire prevention, firefighting or suppression, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development, advising, and responding to a request for fire protection (including legitimate emergencies and false alarms).
- p) **"Fire Protection Charge"** means any or all costs incurred by the Fire Services in providing fire protection.
- q) **"Fire Services"** means a fire department established by the Town of Bowden under this bylaw, or any department contracted by the Town of Bowden, and includes any person duly appointed to the Fire Services
- r) **"Fireworks"** means the fireworks listed in the Explosives Regulations (Canada) and the Alberta Fire Code.
- s) **"Incident"** means a fire, or a situation where fire or an explosion is imminent, or any other situation presenting danger or possible danger to life or property and to which Fire Services may respond.
- t) **"Incinerator Fire"** means a fire which is set for the purpose of burning refuse 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 13mm, and which is ventilated in such a manner as to preclude the escape of combustible materials including ash.
- u) **"Member"** means any person who is a duly appointed member of the Fire Services whether that member is full time, part time, paid or volunteer.
- v) **"Municipality"** means the Town of Bowden.
- w) **"Open Fire"** means any fire which is not an acceptable incinerator fire, fire pit fire, or burning barrel fire and which, without limiting the generality of the foregoing, may include grass fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.
- x) **"Outdoor Fire"** means any fire not contained within a building or structure and shall include fire involving humus soil, piles of coal, farm produce, waste, bush, grass, seed, straw or any fire that has escaped or spread from a building, structure, machine or vehicle and any fire set for the purpose of thawing ground.
- y) **"Peace Officer"** means a member of the Royal Canadian Mounted Police or a duly authorized individual who is appointed by the Province of Alberta as a Peace Officer with authority within the Town of Bowden.
- z) **"Portable Appliance"** means any appliance sold or constructed for the purpose of cooking food in the out of doors.
- aa) **"Prohibited Debris"** means any material that when burned will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment and shall include but are not limited to materials described as:
 - i. animal cadavers,

- ii. animal manure,
 - iii. chemicals and chemical containers,
 - iv. non-wooden material,
 - v. paints and painting materials,
 - vi. pathological waste,
 - vii. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel,
 - viii. solid waste from sawmills or planing mills with an annual production in excess of 6500 cubic meters of lumber,
 - ix. tires,
 - x. toxic substances,
 - xi. used oils, or
 - xii. wood or wood products containing substances for the purposes of preserving wood.
- bb) **"Property"** means any real or personal property, which, without limiting the generality of the foregoing, includes land and structures.
- cc) **"Recreational Fire"** means a fire for recreational purposes and is confined to a non-combustible container supplied by the Municipality and located on municipal property or supplied by a resident and located in accordance with the provisions of the Fire Services Bylaw, which is set for the purpose of cooking, obtaining warmth or viewing for pleasure.
- dd) **"Red Deer County" or "County"** means the Municipality of Red Deer County in the Province of Alberta.
- ee) **"Running Fire"** means a fire burning without being under the control of any person.
- ff) **"Smudge Fire"** means a fire confined within a non-combustible structure or container that is set on land one acre or more in area for the purpose of protecting livestock from insects or for protecting garden plants from frost.
- gg) **"Structure Fire"** means a fire confined to and within any building, structure, machine or vehicle which will or is likely to cause the destruction of or damage to such a building, structure, machine or vehicle, excluding an incinerator fire.
- hh) **"Town"** means the Town of Bowden.

SECTION 3 SERVICES PROVIDED

3.0 Services may be provided by the Fire Services for the purposes of:

- a) preventing and extinguishing fires,
- b) investigating the cause of fires in accordance with the Fire Quality Management Plan approved by the Safety Codes Council,
- c) preserving life and property and protecting persons and property from injury or destruction by fire,

- d) providing rescue services,
- e) preventing, combating and controlling incidents,
- f) carrying out preventative patrols, pre- fire planning and fireworks inspections in accordance with the Fire Quality Management Plan approved by the Safety Codes Council,
- g) entering into agreements with the other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment,
- h) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property, in accordance with approved budgets, and
- i) enforcing the provisions of the Safety Codes Act and its regulations.

SECTION 4 DELEGATION OF AUTHORITY

4.0 Council hereby delegates the following authorities:

- a) the Fire Chief or any Member acting in his position 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,
- b) the Fire Chief or any Member acting in his position is empowered to cause any Member to enter on any land or premises, including adjacent land or premises to combat, control or deal with an incident in whatever manner, a Fire Chief or any other Member in charge at that time deems necessary,
- c) the Town Manager is authorized to issue Fire Permits and to issue invoices for services provided and any other document in the name of the Town of Bowden, which may be required for the efficient operation of Fire Services within the town,
- d) the Fire Services or any other Member for the purpose of fire control may enforce a partial or total fire ban. Local media will be notified and appropriate internet sites posted when a fire ban is imposed or lifted, and
- e) the Fire Services or any Member for the purpose of fire control may enforce a fire ban in specified areas.

4.1 Fire Services may seek the assistance of any department or official of the Town of Bowden as it deems necessary to fulfill its duties hereunder.

SECTION 5 CONTROL OF FIRE OR BURNING HAZARDS

5.0 If Fire Services finds within the corporate limits on privately owned property or occupied public land, conditions that in the opinion of Fire Services constitute a fire hazard or a burning hazard, it may order the owner or the person in control of the property on which the fire hazard exists to reduce or remove the hazard within a fixed time in a manner prescribed by fire services.

5.1 When the Fire Services finds that an order made pursuant to Section 5.0 has not been carried out, the Town may enter on the land with any equipment and persons it considers necessary and may perform the required work.

5.2 Where work was performed pursuant to Section 5.1:

- a) the owner or person in control of the property shall on demand reimburse the Town for the cost of the work performed,
- b) the Town may recover such fees and charges as a debt due and owing to the Town, and
- c) where the fees or charges are not paid, such fees or charges may be charged against the property as a debt in respect of that land and improvements.

SECTION 6 REPORTING OF FIRES

6.0 The owner or his authorized agent of any property damaged by fire shall immediately report to Fire Services particulars of the fire in a manner and detail satisfactory to Fire Services.

6.1 The owner or his authorized agent of any property containing dangerous good(s) product which sustains an accidental or unplanned release of the dangerous good(s) product shall immediately report to Fire Services particulars of the release in a manner satisfactory to Fire Services.

SECTION 7 FIRE PERMIT REQUIREMENTS

7.0 No person shall ignite or maintain an open fire or any other fire upon property owned, occupied or under his control within the Town of Bowden unless a Fire Permit has been obtained, the provisions outlined on the permit are complied with, and burnable debris is burned.

7.1 Notwithstanding Section 7.0, a Fire Permit shall not be required under this Bylaw with to conduct:

- a) the cooking of food using a portable appliance,
- b) recreational burning or the cooking of food in acceptable fire pits or acceptable fireplaces, provided:
 - i. only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen,
 - ii. the fire pit or fireplace is not used to burn prohibited debris,
 - iii. a means acceptable to the Town of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs, and
 - iv. a responsible adult is present on the property where the fire is burning,
- c) burning only burnable debris in an acceptable burning barrel,
- d) the fire has been set by Fire Services for the purpose of training, or
- e) the fire has been otherwise authorized by Fire Services.

7.2 No person shall set, permit or maintain any open fire at any time of the year such that the smoke emitted from the fire impairs visibility on a highway or which in the sole discretion of Fire Services becomes a nuisance or safety concern on any highway or property. The person, who set, permitted or maintained such an open fire shall extinguish the fire immediately upon the order of Fire Services.

SECTION 8 FIRE PERMIT APPLICATION PROCESS

8.0 Any person wishing to obtain a fire permit for any area within the town shall apply through the Town.

8.1 An application for a fire permit shall be on the form required by the Town and may be made in person, by email or via telephone. Each permit application and fire permit shall contain the following information:

- a) the name, address and telephone number of the applicant,
- b) the reason a fire permit is required,
- c) the legal description of the property upon which the fire will be set and the exact location of the fire on those lands including the municipal address,
- d) the type of combustible material which will be burned,
- e) the applicant will take all precautions to maintain control of the fire,
- f) the time for which the fire permit will remain valid, and
- g) the signature of the issuer of the fire permit.

8.2 The Town in its sole discretion may terminate or suspend a fire permit or application at any time.

8.3 Upon request for a fire permit, the Town shall consider the permit application and may in their sole discretion:

- a) refuse to grant a fire permit,
- b) grant a permit with or without terms and conditions as deemed appropriate, or
- c) determine that a fire permit is not required.

8.4 A fire permit when issued will be at no cost to the applicant.

8.5 A fire permit shall not be transferable.

8.6 Permits issued pursuant to this bylaw are valid for such a period of time as shall be determined by the Town and the fire permit shall have endorsed thereon the period of time for which the said permit is valid.

8.7 The Town may extend in writing the period of time that a fire permit is valid provided the fire permit has not expired.

SECTION 9 FIRE SERVICES FEES

9.1 Where Fire Services has extinguished a fire or responded to an incident within the town for the purpose of preserving life or property from injury or destruction by fire or other incident including any such action taken by Fire Services on a false alarm the Town may, in respect of costs incurred by Fire Services in taking such action charge any costs so incurred by Fire Services to:

- a) the person who caused the incident
- b) the owner of the property or the person in possession where the incident occurred, or
- c) the owner of property where the person in possession and control of property which is the situate of the incident if not located on privately owned property.

9.2 The schedule of fees and charges to be charged by the Town for services rendered pursuant to this Bylaw shall be as set out in Schedule "B". The Town upon approval and ratification by Council may determine the application of fees and charges from time to time.

9.3 In respect of fees or charges described in Schedule "B":

- a) the Town may recover such fees or charges as a debt due and owing to the Town, or
- b) in the case of action taken by Fire Services in respect of land within the town where the fees or charges are not paid upon demand by the Town, then in default of payment, such fees or charges may be charged against the property as a debt in respect of that property and improvements.

SECTION 10 OFFENCES/RESTRICTIONS

10.0 When a fire is lit or ignited without the appropriate fire permit, the owner or occupier of the land or the person having control of the land upon which the fire is lit shall:

- a) extinguish fire immediately, or
- b) where he is unable to extinguish the fire immediately, report the fire to Fire Services.

10.1 No person shall either directly or indirectly, personally or through an agent, servant or employee, kindle a fire whether the fire did not require a fire permit and allow it to become a running fire on any land including his own property or allow a running fire to pass from his property, or property under his control to the property of another.

10.2 No person shall:

- a) light an open fire, incinerator fire, burning barrel fire, acceptable fireplace fire or acceptable fire pit fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times,
- b) light an open fire, incinerator fire, burning barrel fire, acceptable fireplace fire or acceptable fire pit fire when the weather conditions are conducive to creating a running fire or, when the Town or another authorized agency has announced a ban on burning,
- c) burn in an acceptable fire pit, acceptable fireplace or public park site fire garbage, leaves, straw, painted wood, treated construction materials or items made of or containing rubber, plastic, tar or any materials deemed for disposal,
- d) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire,
- e) conduct any activity that involves the use of fire or that creates potential sources of fire ignition, which might reasonably be expected to cause a running or open fire, unless he exercises reasonable care to prevent such a fire from occurring,
- f) provide false, incomplete or misleading information to Fire Services on or with respect to an open fire permit application,
- g) interfere with the efforts or persons authorized in this bylaw to extinguish fires or preserve life or property,
- h) interfere with the operation of any Fire Services equipment or apparatus required to extinguish fires or preserve life or property,
- i) damage or destroy any Fire services property, or
- j) falsely represent himself as a Fire services member or wear or display any uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

10.3 No person shall use fire to burn prohibited debris including material that will result in production of dense black smoke such as insulation from electrical wiring or equipment, asphalt roofing materials or hydrocarbons.

10.4 Nothing in this bylaw shall be interpreted to authorize any fire, burning or other act, which is in contravention of the *Environmental Protection and Enhancement Act, R.S.A. 2000, c E-12* and amendments thereto, or any regulation made hereunder.

10.5 No person shall purchase, possess, handle, discharge, fire or set off fireworks within the town unless he holds a permit issued by the town. Permits shall only be issued for the discharge of high-hazard fireworks in accordance and pursuant to the Alberta Fire Code.

SECTION 11 PENALTIES

11.0 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable, upon conviction, to a fine of not less than \$500.00 and not more than \$10,000.00.

11.1 Where a person:

- a) contravenes any section of this bylaw, that person shall be liable to Fire Services and the Town of Bowden for the entire cost of any type of emergency response and mitigation service required to bring the fire under control, whether Fire Services provided that service or by a third party person or agency, and
- b) the Town may recover such fees or charges as a debt due and owing to the Town, or
- c) in the case of action taken by Fire Services in respect of property within the Town where the fees or charges are not paid upon demand by the Town, then in default of payment, such fees or charges may be charged against the land as a debt in respect of that land and improvements.

11.2 A Bylaw Enforcement Officer or Peace Officer is hereby authorized and empowered to issue a Bylaw ticket to any person who that Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw. A bylaw ticket may be issued to such persons:

- a) personally, or
- b) by mailing a copy to such person at his last known post office address.

11.3 The bylaw ticket shall be in a form approved by the Town.

11.4 Where a contravention of this bylaw is of a continuing nature, further bylaw tickets may be issued by a Bylaw Enforcement Officer or Peace Officer provided that no more than one bylaw ticket shall be issued for each day that the contravention continues and each calendar day constitutes a new and separate additional offence.

11.5 Where a bylaw ticket is issued pursuant to this bylaw, the person or corporation to whom the bylaw ticket is issued may, in lieu of being prosecuted for the offence pay to the Town the penalty specified on the bylaw ticket as outlined in Schedule "B" hereto, provided that such payment is made in cash or by cheque before the date outlined in the bylaw ticket.

11.6 A Peace Officer or Bylaw Enforcement Officer may issue a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act, R.S.A. 2000, c-34*, or may lay a notification ticket instead of issuing a violation ticket.

11.7 Any fine or penalty imposed pursuant to this bylaw enures to the benefit of the Town of Bowden.

11.8 If the penalty specified on a bylaw ticket is not paid within the prescribed time period, then a Bylaw Enforcement Officer or Peace Officer is hereby authorized and empowered to issue a Summons pursuant to the provisions of the *Provincial Procedures Act, R.S.A. 2000, c-34*.

SECTION 12 SEVERABILITY

12.0 It is the intention of the Council of the Town of Bowden that each section of this bylaw should be considered as being separate and severable from all other sections. Should any section or part of this bylaw be found to have been improperly enacted then such section or part shall be regarded as being severable from the rest of this bylaw and that the bylaw remaining after such severance shall be effective and enforceable.

SECTION 13 EFFECTIVE DATE


13.0 This bylaw shall come into effect upon the third reading and Bylaw 18/2001 is hereby rescinded upon this bylaw coming into effect.

READ A FIRST TIME this 27th day of May, 2013 on a motion by Councillor Sheila Church.
(Motion #6.f) MOTION CARRIED

READ THIS A SECOND TIME this 27th day of May, 2013 on a motion by Councillor Sandy Gamble.
(Motion #6.f.i) MOTION CARRIED

Motion by Councillor Wayne Milaney to present Bylaw 04– 2013 for Third and Final Reading.
(Motion #6.f.ii) MOTION CARRIED UNANIMOUSLY

READ THIS A THIRD AND FINAL TIME this 27th day of May, 2013 on a motion by Councillor Sheila Church.
(Motion #6.f.iii) MOTION CARRIED



Mayor Robb Stuart



Chief Administrative Officer Andy Weiss

**Bylaw ** - 2013
Schedule "A"
Fire Services Penalties**

Bylaw Ticket Penalties	
First Offence	\$500.00
Second and subsequent offence	\$750.00

**Bylaw ** - 2013
Schedule "B"
FIRE SERVICES FEES**

RESPONSE FEES – may apply to the following types of responses:

- a) vehicle fires or vehicle extrication,
- b) grass fires on railway right of way,
- c) grass fires in ditches or median on numbered highways,
- d) cancelled calls,
- e) automatic alarms caused by alarm system malfunction, charged on third such call,
- f) standby for dangerous goods incidents and controlled burns, or
- g) any other response that may warrant a fee charge at the discretion of the Fire Services.

RESPONSE FEE PER HOUR	
Ladder Unit	\$600.00
Engine Unit	\$500.00
Engine/Tender Unit	\$450.00
Rescue Unit	\$450.00
Bush Unit	\$250.00
Rapid Response Unit	\$250.00
Ranger Unit	\$150.00
Command Unit	\$75.00
Emergency Response Trailer	\$250.00
Administration Fee – applied to all invoices	5% of cost

OTHER FEES	
Burning Permits	No Charge
High Hazard Fire Works Permit (no charge to non-profit groups)	\$75.00/permit
Fire Inspection Services	\$75.00/hour
Re-inspection with outstanding Fire Code Violations	\$75.00/visit