



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta
FIRE BYLAW
03 / 2024

Whereas the Municipal Government Act, RSA2000, Chapter M-26 provides that Council may pass bylaws for municipal purposes respecting the following matters:

- i. safety, health and welfare of people, and the protection of people & property,
- ii. people, activities, and things in, on or near a public place or place that is open to the public,
- iii. services provided by or on behalf of the municipality.

And whereas the Municipal Government Act authorizes a municipality to pass enactments that:

- i. provide for the enforcement of bylaws,
- ii. impose penalties, fees, and charges,
- iii. allow for the remedying of contraventions of bylaws,
- iv. provide for inspections to determine if bylaws are being complied with,
- v. provide for a system of licences, permits or approvals (including the imposition of terms and conditions that must be satisfied in order to receive or keep such licences, permits or approvals).

And whereas it is deemed expedient and desirable for the Town of Bowden to establish a fire bylaw to regulate and prohibit certain activities in the interests of fire protection and public safety,

Now therefore, the Municipal Council of the Town of Bowden hereby enacts as follows:

1 SHORT TITLE

This bylaw may be known as, and cited as, the "Fire Bylaw".

2 PURPOSE

To establish by bylaw regulations for the provision of fire services and to regulate activities so that fires do not cause a nuisance or become a risk to persons or property.

3 DEFINITIONS

In this Bylaw and the attached schedule, the following definitions apply:

Acceptable

Means to satisfy a tolerable, satisfactory, or socially agreeable requirement or standard.

Burning Hazard / Fire Hazard

Means an actual or potential occurrence of fire or accumulated material that could endanger another person or property or potentially damage a property.

Bylaw

Means this bylaw, and all other Town bylaws made pursuant to the authority of the MGA, or any regulation, or policy or order made pursuant to the authority of this or any other Town bylaw.

CAO (Chief Administrative Officer)

Is the person appointed by Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA and is the administrative head of the Municipality (and includes any person given designated responsibilities by the CAO).

Commercial Fire

Means a fire which is set and maintained for nonresidential or non-recreational use including but not limited to flaring, controlled burns, thawing of the ground and fires at public events.

Damage

Means destruction, impairment, or physical harm to either property or personal effects, in such a way as to spoil its visual aesthetics, value, usefulness or normal function.

Designated Officer

Means a person to whom the CAO has delegated powers, duties or functions as permitted under the authority of the MGA or any other person with powers enabled under any other order or enactment. including but not limited to:

- a) any person appointed by the Town as a Bylaw Enforcement Officer,
- b) any other Designated Officer of the Town,
- c) a Red Deer County Inspector or Officer empowered under a intermunicipal collaboration agreement, including, but not limited to, a Fire Inspector, Safety Codes Officer, the Fire Chief and their designates and deputies,
- d) any Inspector appointed by a Minister with responsibilities defined or authorized under enactment,
- e) any person by virtue of appointment to another office including, but not limited to, RCMP Officers, a Peace Officer (contracted or otherwise), or a Sheriff.

Discharge (reference fireworks)

Means to fire or attempt to ignite, explode, set off, or cause to be fired.

Excessive

Means an amount too great to be considered reasonable or acceptable, ie: exceeding what is usual, proper, necessary, or normal.

Fire Ban / Fire Restriction Order / Fire Advisory Order

Means any order or directive issued by Red Deer County that restricts or prohibits all or some forms of fire.

Fire Chief (however named)

Means the person(s) appointed by Red Deer County as the head of the Protective Services Station 7 (Bowden Fire Station) and any other person or designate acting under the authority of the Fire Chief.

Fire Hazard

Means combustible material, or an accumulation of material, that through its location, condition or arrangement may be (accidentally or intentionally) ignited and if ignited creates a burning hazard.

Fire Permit

Means a permit or authorization given by Red Deer County for the setting of open-air fires, structure fires and any other fire not contained with an approved fire pit or fire container.

Fire Pit

Means an acceptable outdoor receptacle that meets the following specifications:

- a) a minimum of 3 metres clearance, measure from the nearest fire pit edge to the nearest edge of a building, property line, or other combustible material,
- b) a height not exceeding 2 feet (0.6 metres) when measured from the surrounding grade to the top of the pit opening,
- c) equipped with mesh screen with openings no larger than 1 inch (2.5 cm),
- d) enclosed sides made from bricks, concrete blocks, heavy gauge metal or other noncombustible materials,
- e) not located over any underground utilities or under any overground wires,
- f) not located under any tree or overhanging branches.

or as otherwise defined or required or ordered by a Red Deer County Inspector or Fire Officer.

Fireworks

Includes consumer fireworks, display fireworks, special effects pyrotechnics, and firecrackers as listed in the Explosives Regulation (Canada) and the National Fire Code (Alberta Edition).

Highway

Means means a highway as defined by the Traffic Safety Act, RSA2000, c. T-6 including but not limited to:

- a) a thoroughfare, street, road, service road, trail, avenue, parkway, driveway, lane, alley, square, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use,
- b) a sidewalk, including a boulevard or easement adjacent to the sidewalk,
- c) any ditch or culvert that lies adjacent to and parallel with the highway.

Incident

Means a fire, or a situation where a fire or an explosion is imminent or any other situation presenting a danger / hazard or possible danger / hazard to life or property.

Incinerator Fire

Means a fire confined within an apparatus specifically designed for burning waste material, typically industrial waste, at high temperatures until it is reduced to ash.

Material

Means any solid, liquid or gas or matter or product.

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26.

Municipality

Means the Town of Bowden.

Negligence

Means a failure to exercise a degree of care that would be taken by another reasonable person in the same circumstances.

Nuisance

Means any act or deed, or omission, or thing, which in the opinion of the CAO, or Designated Officer is, or could reasonably be expected to be annoying, or troublesome, or destructive, or harmful, or inconvenient, or injurious to another person and / or their property.

Occupant

A person (other than an owner) occupying or exercising control over, or having right to occupy or exercise control over, land or property or buildings either as a tenant or lessee for the purpose of residential or commercial activity under agreement with the owner of the land or property or buildings.

Open Air Fire / Open Fire

Means any fire which is not contained inside a building, or which is not contained within an acceptable incinerator, or fire pit including, but not limited to, grass fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.

Owner (of a Property / Premise)

Means the person who is:

- a) the registered / legal owner of a property or premise,
- b) an authorized occupier of a property or premise,
- c) the person who has lawful possession of a property or premise,
- d) the person who has the right to exercise control over a property or premise,
- e) in control or development of a property or premises under construction.

Person(s)

A person occupying or exercising control over, or having right to occupy or exercise control over, land or property or buildings and includes:

- a) an individual (resident / non-resident or visitor),
- b) customers, suppliers, agents, and contractors,
- c) a legal or business entity, including a developer, contractor, association, partnership, society,
- d) unless the context otherwise requires, this does not include the Town.

Premise

Means any part of a property including buildings, structures, land, or anything equipment or device on that property for carrying out activities that are ancillary to the activities carried in or on that property.

Prohibited Material / Prohibited Debris

Means any material that when burned will result in the release into the atmosphere dense smoke or toxic air contaminants, including but not limited to:

- a) animal cadavers, or animal waste,
- b) chemicals and chemical containers,
- c) toxic substances (including rubber or plastic),
- d) combustible / explosive material (including fuels, oils, propane),
- e) treated or painted lumber with preservatives including oils, glues, and resins,
- f) wet or unseasoned wood,
- g) paints and painting materials,
- h) pathological waste,
- i) rubber (including tires) or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel.

Property

Means:

- a) any public or private land,
- b) any building or structure (either residential or non-residential / occupied or unoccupied),
- c) both or part of a) & b), situated within the Municipality.

Provincial Offences Procedure Act

Means the Provincial Offences Procedure Act, RSA2000, Chapter P-34.

Public Place

Means any place within the Town to which the public may have either express or implied public access including, but not limited to, a highway, street, road, trail, lane, alley, sidewalk, boulevard, school, playing field, park, playground, public building and / or any fixture or object located in a public place.

Pursuant to

Means to execute, carry out or investigate an activity in accordance with the requirements of a statute, ruling, policy, order, or request.

Reasonable (unreasonable)

Means to satisfy a tolerable, satisfactory, or agreeable requirement or standard or to satisfy the time by which an action must be carried out.

Recreational Fire

Means a permitted fire confined to a private property or premise set for the purpose of cooking, obtaining warmth, or viewing for pleasure.

Remedial Order

An order to remedy contraventions issued in accordance with section 545 of the MGA.

Running Fire

Means a burning fire that is not under the control of any person.

Specific Penalty

Means a fee or charge of a predetermine amount payable in respect of offences in accordance with this bylaw.

Town

Means the Municipality of the Town of Bowden in the Province of Alberta.

Unacceptable

Means to not satisfy a tolerable, satisfactory, or socially agreeable requirement or standard.

Words (interpretation)

- a) "may" is to be interpreted as permissive (allowed but not obligatory, optional).
- b) "must" is to be interpreted as imperative (obligatory, mandatory, required, unavoidable).
- c) "shall" is to be interpreted as "must".
- d) "should" is to be interpreted as a recommended (desirable, not required to conform).
- e) "including but not limited to" means when listing a number of items, does not limit the bylaw term to only those words or those items listed.

4 DELEGATION OF AUTHORITY

4.1

Part 17.2. of the MGA allows for an Intermunicipal Collaboration to provide for the integrated delivery and funding of intermunicipal services.

The Town of Bowden and Red Deer County have entered into a Municipal Services Agreement that allows Red Deer County to provide the following services:

- i. Fire & Rescue,
- ii. Bylaw Enforcement,
- iii. Building & Fire Safety Codes.

4.2

Red Deer County are empowered under the joint Municipal Services Agreement with the Town, and this bylaw to conduct all actions necessary in order to:

- i. provide fire and rescue services (as defined in section 5 of this bylaw),
- ii. fulfill the responsibilities and duties legislated under any statutory enactment, regulation, or order with regard to fire inspection, prevention, and control,
- iii. enforce the provisions of this bylaw.

4.3

Within the context of this bylaw, any reference to Red Deer County by definition includes:

- i. the Municipal District of Red Deer County, Province of Alberta,
- ii. Red Deer County Protective Services,
- iii. Red Deer County Protective Services Station 7 (Bowden District Fire Station),
- iv. Red Deer County Fire Services,
- v. Red Deer County Patrol (Peace Officers),

and by definition is further inclusive of all officers or members of (i) to (v) above including, but not limited to, Safety Code Officers, Fire Inspectors, the Fire Chief, and their designates and deputies.

4.4

The Fire Chief (and / or designated officers) may:

- i. order persons within a building to vacate the building until such time given authorization to return,
- ii. establish a perimeter around a building or scene of an investigation or incident,
- iii. regulate the conduct of members of the public in and around the vicinity of a building, or any place, or incident scene in order to maintain or protect life or property,
- iv. prevent access to a building or place to safeguard a scene for investigation or safety purposes.

5 FIRE SERVICES

By the authority of the existence of the joint Municipal Services Agreement, Red Deer County provides fire services to the Town including, but not limited to:

- i. preventing & extinguishing fires,
- ii. preserving life and property and protecting persons and property from injury or destruction,
- iii. preventing, combating, and controlling incidents,
- iv. providing rescue & emergency medical services,
- v. investigating and reporting on the cause of fires (accidents or incidents),
- vi. conducting property inspections, fire inspections, preventative inspections in accordance with the National Fire Code (Alberta Edition) and the Province of Alberta Safety Codes Act, or need,
- vii. fulfilling the obligations of, and the enforcement of, the National Fire Code (Alberta Edition) and the Province of Alberta Safety Code Act and any other relevant or applicable enactment or order made by the Safety Codes Council,
- viii. issuing fire permits,
- ix. issuing fire bans or fire restrictions applicable to the Town's municipal boundaries,
- x. enforcing fire bans or fire restrictions within the Town's municipal boundaries,
- xi. purchasing, operating, and testing fire apparatus and equipment for the provision of fire services,
- xii. the appointment of and the provision of training, recruitment, and assignment of responsibilities to all Bowden District Fire Station 7 members

6 GENERAL

PART 1 CONTROL OF FIRE HAZARDS OR BURNING HAZARDS

6.1.1

If in the opinion of either Red Deer County or the Town a fire hazard or a burning hazard exists, an order may be made or given to an owner, occupant, or person in control of a property or premise to reduce or remove the hazard, within a fixed time and in a manner prescribed.

6.1.2

A person who has ownership or care and control of a property must not allow the property (or land) to be in such a condition or state that it poses a fire risk or hazard.

6.1.3

If an order made pursuant to section 6.1.1 is not carried out within the stipulated time or manner, Red Deer County or the Town may perform any activity to satisfy the required work, or the conditions of the order made.

6.1.4

A Designated Officer may, without a warrant, enter any property, building, structure, or land, with any equipment or persons it considers necessary in order to enforce an order to either remove or reduce a fire hazard or burning hazard.

6.1.5

Red Deer County / the Town may charge the owner or occupant of a property for full or partial reimbursement of the cost of any activity or remedial action required in order to remove a fire hazard or burning hazard.

PART 2 CONTROL OF FIRES

6.2.1

No person shall allow, or allow to be burned, a fire on any property or premises, or public place or park except where allowed by permit or Town authority and in compliance with the provisions of this bylaw.

6.2.2

No person shall burn, or allow to be burned, a fire on any property or premise that violates any condition of a full fire ban or partial fire ban or fire restriction issued by Red Deer County Fire Services.

6.2.3

No fire (outdoor or indoor) is permitted at any time on any property or premise of prohibited materials or materials that when burnt create prohibited debris.

6.2.4

No fire (outdoor or indoor) is permitted at any time on any property or premise that creates any debris or smoke to be emitted from the fire which impairs visibility on a public highway or street, or which creates a public health hazard.

PART 3 PERMITTED FIRES

6.3.1

The following fires are permitted without a fire permit provided they are set and maintained in accordance with the provisions of this bylaw:

- i. fires which are wholly contained within a building or structure which are relevant to the normal / expected use of that building,
- ii. the cooking of food using portable gas appliances, or BBQ charcoal,
- iii. cooking or recreational activities in acceptable fire pits subject to the provisions in section 6 part 5 of this bylaw,

- iv. incinerator fires,
- v. fires set by the Town for municipal purposes,
- vi. fires set by Red Deer County Fire Services for training purposes,
- vii. any fire otherwise approved by Red Deer County or the Town.

6.3.2

Permitted fires are not permitted to burn any prohibited material or create any prohibited debris.

6.3.3

Where a fire is permitted every person who builds, ignites, or allows a fire on a property or premise must ensure that the fire:

- i. is under control and contained to a reasonable size,
- ii. is not left unsupervised at any time,
- iii. is fully extinguished before such supervision ends,
- iv. does not create embers, sparks, smoke, or smells that are a hazard or unacceptable nuisance to other persons or property.

PART 4 FIRE PERMITS

6.4.1

The following fires are not permitted without an authorized fire permit (issued by Red Deer County):

- i. commercial fires,
- ii. open air fires,
- iii. any other fire not listed in section 6.3.1 of this Bylaw.

6.4.2

Fire permits are issued by Red Deer County subject to:

- i. any payment, procedures, regulations, or conditions that apply,
- ii. any additional conditions imposed as deemed relevant or appropriate,
- iii. the provisions within this bylaw,
- iv. any fire bans or partial fire bans in effect at the time.

6.4.3

Fire permits are valid for the day / date stated when issued and subject to the provisions of section 6.4.4 of this bylaw.

6.4.4

A fire authorized by the issue of a fire permit is not allowed to burn on a property or premise between the hours of 12.00am (midnight) and 8.00am on any day of the week.

6.4.5

Where a fire ban or partial fire ban or fire restriction is in force all fire permits are revoked irrespective of the fact that the ban may have been issued subsequent to the issue of a fire permit.

6.4.6

Fire permits are not transferable.

6.4.7

Fire permits can be suspended, revoked, or cancelled at any time if the permit holder breaches any provisions within this bylaw, or if the continuation of burning constitutes a hazard or nuisance to other persons or property.

PART 5 FIRES IN FIRE PITS

6.5.1

All fires in firepits are subject to the provisions of this bylaw. Fire Pits are as defined by this bylaw.

6.5.2

All fires in fire pits must be supervised at all times by an adult until such time that the fire is fully extinguished, leaving only cold ashes.

6.5.3

All fires in fire pits must not be fueled by any prohibited material or create any prohibited debris.

6.5.4

The flames from a fire pit must not cause a fire hazard.

6.5.5

A means of extinguishing the fire must be kept on hand / close by while the fire is burning.

6.5.6

Red Deer County reserves the right to inspect and approve any fire pit prior to a fire being allowed in any fire pit.

This right applies to fire pits in private residential properties and any other property including but not limited to public places, parks, and the Bowden Agricultural Society property and lands.

PART 6 FIREWORKS

6.6.1

No person shall discharge fireworks within the Municipality except where allowed by Red Deer County or by the written authority of the CAO and in compliance with the provisions of this bylaw.

6.6.2

Where approval is given fireworks must be discharged in accordance with any conditions of any permit issued or any other stated terms or conditions as given either by the Town or Red Deer County including, but not limited to:

- i. hours of the day, days of the week,
- ii. duration and height of the display,
- iii. types of fireworks used,
- iv. location,
- v. safety requirements.

6.6.3

A firework display may be subject to any conditions imposed by the Town or Red Deer County including, but not limited to:

- i. a safety inspection,
- ii. conformity with the findings of a safety inspection,
- iii. the provision of any safety equipment identified as a requirement,
- iv. any training, certification or professional qualifications required of those persons involved,
- v. in accordance with the Display Fireworks Manual issued by Natural Resources Canada.

6.6.4

Where permitted, fireworks must be stored, used, and ignited in accordance with any enactment or regulation or code including the provisions of the Explosives Act (Canada) or the National Fire Code (Alberta Edition) and the manufacturers guidelines.

6.6.5

The provisions within section 6.6.1 of this bylaw do not apply to low hazard practical / utility fireworks including highway flares, railway flares and wildlife control devices where used correctly and by competent and authorized persons.

PART 7 FIRE ALARMS

6.7.1

Property owners are responsible for ensuring residential fire alarms and commercial fire control systems are maintained in accordance with manufacturer guidelines.

6.7.2

While it is recognized that fire alarms are subject to fault and component failures any false fire alarm that is set off needlessly through willful, intentional, or malicious intent or by neglect may be subject to penalty, fine or recovery of cost proceedings.

7 AUTHORITY OF RED DEER COUNTY

7.1

Only members of Red Deer County Protective Services shall have control, direction and management of any apparatus, equipment or manpower assigned to an incident.

7.2

Members of Red Deer County Protective Services are empowered to cause a building, structure, or object to be pulled down, demolished, or removed if deemed necessary to contain a fire from spreading to other buildings, structures, or objects or to make the area safe from any remaining hazard or material.

7.3

Members of Red Deer County Protective Services (and their apparatus and equipment) are empowered to enter or pass through any property or premise as deemed necessary in order to combat, control or deal with an incident (including adjoining or neighbouring properties).

7.4

Members of Red Deer County Protective Services are empowered to establish boundaries or establish limits and prevent access in or around any incident.

7.5

Members of Red Deer County Protective Services are empowered to obtain assistance and / or support from any other Designated Officer as deemed necessary in order to discharge their duties and responsibilities.

8 AUTHORITY OF THE CAO

8.1

Council authorizes the CAO to conduct all actions necessary in order to fulfill the responsibilities and duties legislated under any statutory enactment, regulation, order, this bylaw, or any other Town bylaw.

8.2

Without limitation, the CAO is empowered to provide for:

- i. administering or enforcing the provisions of this bylaw,
- ii. granting licenses, approvals and permissions as set out in this bylaw,
- iii. approving exemptions to this bylaw,

- iv. imposing penalties or waiving penalties where appropriate or necessary,
- v. imposing additional restrictions as deemed necessary in the public interest,
- vi. any action or decision deemed as being reasonably practicable.

The provisions within any section of this bylaw where relevant do not apply in cases where there is a temporary relaxation of any provision made by the CAO or a Designated Officer due to special circumstances or other special arrangements.

8.3

The CAO may declare any activity to be deemed as being:

- i. dangerous, or hazardous,
- ii. a risk to property or other persons,
- iii. unacceptable or excessive or unreasonable,
- iv. a nuisance,

as necessary, or appropriate, under the provisions of this bylaw in order to protect property and other persons in the best interest of the community as a whole.

8.4

The CAO may establish rates, charges, penalties, or fees for any costs incurred or material used for remedial purposes including, but not limited to,

- i. the cleanup and removal of any debris or waste,
- ii. non-specific infractions of any part of this bylaw,
- iii. fire response costs.

8.5

The CAO may delegate powers to Designated Officers as deemed appropriate or necessary.

8.6

A Designated Officer may conduct patrols and inspections within the Town for the purpose of enforcing the provisions of this bylaw.

8.7

No person may obstruct, interfere with, or hinder the CAO, or a Designated Officer in the carrying out of their duties and responsibilities under this bylaw, or any other enactment, order, or Town bylaw.

8.8

The CAO or a Designated Officer may, upon giving reasonable notice of time to a person or owner or occupant, may enter any private, retail, or commercial premise to carry out an inspection, enforcement, remedy, or any action authorized or required by either, order, enactment, or this bylaw (as provided for in Part 13, Division 4, Enforcement of Municipal Law of the MGA).

The CAO or a Designated Officer may in certain circumstances seize and confiscate any dangerous equipment, devices, or material dependent upon assessment of risk, or hazard or danger.

8.9

The CAO may issue a written warning that:

- i. directs a person to take action to remedy any contravention of this bylaw,
- ii. states the action the Town will take to remedy the contravention.

This may lead to the issue of:

- i. a specific penalty for contravention of a provision or for an offence as identified within this or any other Town bylaw,
- ii. an unspecified penalty for infractions of any part of provision of this bylaw,

- iii. the issue of a remedial order to remedy the infraction (in accordance with Part 13, Division 4, Enforcement of Municipal Law of the MGA),
- iv. any or all of i) to iii) above.

8.10

Not every matter can be addressed through regulation within this Bylaw. In the interest of minimizing any misunderstanding and maintaining a safe community, all persons should liaise directly with the Town on any matter regarding fire services, fire bans or fire inspections.

9 LIABILITY & APPEAL

9.1

No action for damages shall be taken against the Town or any Designated Officer acting under the authority of this bylaw or the enforcement of the provisions of this bylaw or any other statutory enactment or order.

9.2

Any penalty or order issued under this bylaw shall not affect or remove in full or part any liability for claims or damages that may arise under a civil action brought to a Court in relation to an offence committed under this bylaw or any other enactment.

9.3 Right of Appeal

Any person who considers themselves to be aggrieved by a decision of the CAO (or a Designated Officer) made under this bylaw may appeal the decision to Council, in accordance with the procedures outlined in the Town of Bowden Council Procedural Bylaw.

The Council's decision in respect of an appeal will be final and binding.

10 APPLICABILITY

10.1

This bylaw applies to all persons present within the Town.

10.2

Notwithstanding any permission or permit given or any provision within this or any other Town bylaw the CAO or a Designated Officer may at any time issue an order that prohibits any person from building or igniting a fire or may at any time issue an order to extinguish a fire.

10.3

Under Provincial legislation (Provincial Offences Procedures Act), the provision of the Criminal Code extends liability beyond the person who committed the offence as follows:

Persons are deemed party to an offence who:

- i. actually commit the offence,
- ii. do anything for the purpose of aiding a person to commit an offence, or,
- iii. abet any person to commit an offence or allow a person to commit an offence under this bylaw.

10.4

Nothing in this bylaw (either by inclusion or omission) exempts any person from any statutory enactment, regulation, code, bylaw, policy, or Ministerial Order including, but not limited to the:

- i. Criminal Code of Canada,
- ii. Municipal Government Act, RSA2000 Chapter M-26,
- iii. Provincial Offences Procedures Act, RSA2000, Chapter P-24,
- iv. Town of Bowden Bylaw Enforcement Officer Bylaw,
- v. Town of Bowden Designated Officer Bylaw,
- vi. Town of Bowden Bylaw Enforcement Policy,
- vii. Alberta Safety Codes Act, RSA2000, Chapter S-1 and the Alberta Fire Code Regulation,
- viii. National Fire Code (Alberta Edition),
- ix. any other applicable or relevant Town bylaw, policy order, or CAO directive.

10.5

All references in this bylaw to an act, statute, regulation, or other bylaw refer to the current version of that enactment, as amended or replaced from time to time including all successor legislation.

10.6 Exceptions

Exceptions (either permanent or temporary) to any provision within this bylaw:

- i. can be made by the CAO, due to special circumstances, arrangements or need,
- ii. are as stated in this bylaw,
- iii. may apply to any Designated Officer or person acting under authority, or agreement or in the normal course of their official duties, or responsibilities,
- iv. apply to Town operations or emergency work carried out by the Town or contractors employed by the Town,
- v. apply to Red Deer County Protective Services either as part of fire service operations or training.

10.7 Proof of Exception

In cases where a person alleges that an exception to the provisions of this bylaw applies, the burden of proof remains with that person, on a balance of probability.

10.8

All schedules attached to this bylaw form part of this bylaw.

11 SEVERABILITY

Every provision of this bylaw is independent of all other provisions.

If any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

12 BYLAW PRECEDENCE

This bylaw supersedes and takes precedence over all previously passed bylaws that make reference to fire services, and the regulation and control of fires.

Bylaw **04-2013** (Fire Services Bylaw) and all amendments thereto are hereby repealed.

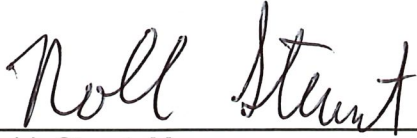
This bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this 13th day of May 2024,

Read a second time in open council this 10th day of June 2024,

and finally passed by unanimous consent of the Councillors present.

Read a third time in open council this 10th day of June 2024.



Robb Stuart, Mayor



Rudy Friesen, Chief Administrative Officer

Fire Bylaw SCHEDULE A Penalties

A1

Any contravention of any provision of this bylaw may be enforced by the provisions contained within the Municipal Government Act (Division 4, Enforcement of Municipal Law), the Provincial Offences Procedures Act, R.S.A. 2000 Chapter P-24 or any other Provincial enactment or order where valid and enforceable.

A2

Any person who contravenes any provision of this bylaw, by negligence, or by doing any act or thing which is prohibited, or by failing to do any act or thing that is required, is guilty of an offence in accordance with this bylaw or any other enactment order or directive.

A3

This may lead to the issue of:

- i. a verbal or written warning
- ii. a violation ticket for a specific penalty for the contravention of a provision of this bylaw in accordance with the Provincial Offences Procedures Act
- iii. an unspecified penalty of a variable amount of not less than \$250.00 up to a maximum of \$10,000.00 for any general contravention of this bylaw as either a penalty fee, surcharge, late payment charge and / or for the compensation for damages or the recovery of costs.
- iv. the issue of a Remedial Order to remedy the infraction in accordance with section 545 and 546 of the Municipal Government Act
- v. any or all of i) to iv) above.

A4

This bylaw is enforceable either by the CAO or a Designated Officer.

A5 Specific Penalties

Bylaw Reference	1 st offence	repeat offence(s)
Section 6 Part 1 Control of Fire / Burning Hazards	\$500.00	\$1,000.00
Section 6 Part 2 Control of Fires	\$500.00	\$1,000.00
Section 6 Part 3 Permitted Fires	\$500.00	\$1,000.00
Section 6 Part 4 Fire Permits	\$500.00	\$1,000.00
Section 6 Part 5 Fires in Fire Pits	\$500.00	\$1,000.00
Section 6 Part 6 Fireworks	\$500.00	\$1,000.00
Section 6 Part 7 Fire Alarms	\$500.00	\$1,000.00

A6

All persons must rectify the circumstances which give rise to an offence within the stipulated time period. Any continuance thereafter shall be deemed to be a repeat offence incurring further additional penalties.

A7 Administrative Penalties

Any person who contravenes any provision of this bylaw (other than those specific penalties listed in A5) will be subject to an unspecified penalty (as stated in A3 iii) the actual amount of which will be determined and applied by the CAO.

These penalties can vary and reflect the seriousness of the contravention.

Administrative penalties are determined by the CAO on a case-by-case basis.

Factors that are considered in deciding the amount of an administrative penalty are:

- i. the severity of the contravention and the scale of adverse effects caused by it,
- ii. the degree of willfulness or negligence in the contravention,
- iii. what steps have been taken to prevent the contravention or its reoccurrence.

Administrative penalties are intended for more serious bylaw contraventions with the maximum fine subject to any maximum amount imposed by the MGA (currently \$10,000.00).

A8

All persons are responsible for all costs associated with the implementation of any measures taken, or required to be taken, by the Town (or any other regulatory body) to meet the provisions of this bylaw or for any,

- i. remedial action,
- ii. repair to property, or personal effects,
- iii. recovery of costs.

A9

Any penalty issued under this bylaw does not affect or remove in full or part any liability for damages that may arise under a civil action brought to Court in relation to an offence committed under this bylaw or any other enactment.

A10

Any person violating the condition of a fire ban or fire restriction or fire advisory order (issued by Red Deer County) will be held liable for all costs or damages that may arise as a result of the violation, including but not limited to:

- i. fire response costs,
- ii. remedial costs,
- iii. property repairs,

and in accordance with this bylaw an unspecified penalty dependent upon the context, nature, and severity of the offence.