

Bylaw No. 2229

WHEREAS the *Municipal Government Act* R.S.A. 2000, Chapter M-26 and amendments thereto provides that a Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property and for services provided by or on behalf of the municipality; and

WHEREAS the *Forest and Prairie Protection Act*, R.S.A. 2000 Chapter F-19, and amendments thereto provides for the prevention of prairie or running fires and places responsibility for fighting and controlling fires within a municipal district upon the Council.

THEREFORE the Council of the Municipal District of Provost No. 52, as duly assembled, hereby enacts as follows:

- 1) Title and Application
 - a) This Bylaw may be cited as the "Fire Bylaw"
- 2) Definitions
 - a) "Administrator" means the Chief Administrative Officer for the M.D. of Provost No. 52.
 - b) "Bylaw Enforcement Officer" shall mean:
 - i) A person appointed under Section 555 and 556 pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, employed or contracted by the M.D. to enforce the M.D.'s bylaws.
 - ii) A Community Peace Officer as defined under the *Peace Officer Act*, SA 2006, Chapter P-35.
 - iii) A member of the Royal Canadian Mounted Police.
 - c) "Council" means the Council of the M.D. of Provost No. 52.
 - d) "M.D." means the Municipal District of Provost No. 52.
 - e) "Fire Department" means any group or individual(s) authorized to respond to fire calls within the M.D. and extinguish fires in accordance with the direction of Council.
 - f) "Fire Permit" means an authorization to an individual as granted by the M.D. or its representatives in compliance with the conditions of this Bylaw and any policies governing same which may be adopted by the Council from time to time.
 - g) "Fire Guardian" means an individual appointed by the Council to issue a Fire Permit under the terms of this Bylaw.
 - h) "Incident" means a fire, a situation where a fire or explosion is imminent or any other situation presenting a fire or possible danger to life or property and to which the M.D. or its representatives has responded.
 - i) "Low Hazard Fireworks" means fireworks generally used for recreation, as defined in Class 7.2.1 of the *Explosives Act (Canada)* as Low Hazard Fireworks for Recreation.
 - j) "Occupant" means any person who is found on any property, whether or not he is the owner of tenant of the property and whether or not he resides on the property or having the right to occupy or exercise control over land.
 - k) "Reeve" means the Reeve for the M.D. of Provost No. 52.
 - l) "Small open fires" means any outdoor campfire for cooking or warming purposes, burning barrels or receptacles, or wood or briquette fires which occur or are initiated in an approved receptacle.
- 3) Fire Prevention
 - a) Council may, by resolution, issue a fire ban to prohibit or restrict the lighting of fires within the M.D.
 - b) In an emergency situation, the Administrator or designate or the Reeve may issue a fire ban, subject to ratification by Council at its next regularly scheduled meeting.
- 4) Recovery of Costs
 - a) Where the M.D. or its representatives has taken any action whatsoever for the purpose of extinguishing a fire or responding to an emergency incident

within the jurisdiction of the M.D., or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within the M.D., including such action as may be taken in response to a false alarm, the Council may in respect of any costs incurred by the M.D. in taking such action, charge those costs to the person who caused the fire or the owner or occupant of the land or property in respect of which action was taken.

- b) Charges to be levied to the owner or occupant of any land or property within the M.D. with regard to each fire call that is answered by a Fire Department acting upon the M.D.'s behalf or in accordance with its direction as defined by resolution or mutual agreement are specified in Schedule A.
 - i) Should the circumstance arise that no fire protection equipment is required, the M.D. reserves the right to charge to the owner or occupant of the land or property in question the actual labour charges incurred by the Fire Department or Departments.
 - ii) The M.D. shall establish a maximum cost recovery amount of \$10,000.00 for the purposes of this Bylaw with respect to responses on all lands classed as residential or farmland.
 - iii) Land that is not classed as residential or farmland will not be subject to the maximum \$10,000.00 amount and will be billed at the M.D.'s actual cost.
 - iv) The M.D., at its sole and unfettered discretion, reserves the right to waive any fire response cost recovery charges for false alarms. This may include but is not limited to good Samaritans or passers by reporting in good faith fires or other incidents, including the reporting of controlled fires.
 - c) In respect of the cost or fee described in Section 4 (a) and (b):
 - i) The M.D. reserves the right to recover such cost or fee as a debt due and owing to the M.D.
 - ii) In the case of action taken by the M.D. or its representatives in respect of land within the M.D., where the cost of the fee is not paid upon demand of the M.D., then in default of payment, such cost or fee may be charged against the land or property as taxes owing in respect of said land or property.
- 5) Entry on Lands and Premises
- a) A Bylaw Enforcement Officer, Peace Officer or Fire Guardian may without warrant enter on any land or premises, except a private dwelling house, for the purpose of discharging his duties under this bylaw.
- 6) Low Hazard Fireworks
- a) All persons discharging low hazard fireworks shall conform to all requirements of the Alberta Fire Code.
 - b) No person shall discharge low hazard fireworks within the M.D. without a duly authorized Fire Permit.
- 7) Offences
- a) Any person who ignites, fuels, supervises, permits or leaves unattended an outdoor fire within the M.D. is guilty of an offence unless:
 - i) The fire is classed as a small open fire and reasonable precautions are taken to prevent the escape of combustible materials and prevent the spread of the fire.
 - ii) In the case of a burning barrel or fire pit, the receptacle is covered by a heavy mesh screen having openings no greater than 13mm and ventilated in such manner so as to reasonably preclude the escape of combustible materials.
 - iii) The fire has been approved via the issuance of a Fire Permit by an authorized Fire Guardian, in accordance with all policies and procedures which may govern the issuance of same as approved by Council from time to time.
 - iv) The fire has been set for the purposes of training firefighters.

b) Any person who ignites a fire of any kind during a fire restriction is guilty of an offence.

8) Penalties

a) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine as specified in Schedule A. If there is no fine specified for the offence, the person is liable to a fine of not less than three hundred (\$300.00) and no more than five thousand (\$5,000.00) dollars, and in default of payment to imprisonment for a term not exceeding six (6) months.

9) Severability

a) Should any provision of this bylaw be found invalid then such invalidated provision shall be severed and the remaining bylaw shall be maintained and deemed valid.

10) Miscellaneous

a) Schedule A as attached hereto shall form part of this bylaw.
b) References to the masculine gender shall also imply reference to the feminine and vice versa.

Read a first time this 25th day of October A.D., 2012.

Read a second time this 13th day of December A.D., 2012.

Read a third time and finally passed this 13th day of December A.D., 2012.


REEVE


ADMINISTRATOR

SCHEDULE A – FEES AND PENALTIES

Cost Recovery Fees

Section in Bylaw	Fee Description	Fee
4) b)	Minimum charge for fire equipment	\$700
4) b)	Fire protection cost per unit per hour	\$400

Penalties

Section in Bylaw	Offense	First Offense	Second Offense	Third Offense
6) b)	Failure to obtain low hazard fireworks permit	\$400	\$600	Court
7) b)	Burning during a fire restriction	\$600	\$800	Court
7) a)	Unauthorized Burning/Fire	\$600	\$800	Court