

BYLAW 10-17

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO ESTABLISH FIRE SERVICES IN AND FOR THE TOWN OF OKOTOKS

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and any amendments thereto, provides that a council of a municipality may pass bylaws for municipal purposes 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 Council of the Town of Okotoks has been accredited by the Safety Codes Council in its respective municipality; and

WHEREAS the Council of the Town of Okotoks wishes to maintain Fire Services, which includes both fire and medical services, within the Town of Okotoks and to provide for the efficient operation of such Fire Services.

NOW THEREFORE the Council of the Town of Okotoks hereby enacts the following:

1. SHORT TITLE

This Bylaw may be cited as the "Fire Services Bylaw."

2. DEFINITIONS

- a. **Chief Administrative Officer (CAO)** means the person appointed by Council as the administrative head, or his/her designate, of the Town of Okotoks;
- b. **Contained Fire** means a fire which is totally confined within a fire pit or other non-combustible structure which is ventilated in such a manner so as to prevent the escape of combustible materials, including ash;
- c. **Council** means the duly elected Municipal Council of the Town of Okotoks;
- d. **Dangerous Goods** means any product, substance, or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the *Transportation of Dangerous Goods Control Act*, R.S.A. 2000, Chapter D-4, and any amendments thereto;
- e. **False Alarm** means an emergency response to a municipal address that is set off needlessly, through wilful or accidental, human or mechanical error to which Fire Services responds, as defined and regulated in Bylaw 11-10;
- f. **Fire** means any combustible material in a state of combustion;

- g. **Fire Ban** means an order issued by the Fire Chief that restricts or prohibits any type of fire;
- h. **Fire Chief** means the individual appointed as the head of Fire Services, or designate;
- i. **Fire Permit** means a document or an electronic record allowing for specific fire related actions as approved by the Fire Chief;
- j. **Fire Pit** means a structure with enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible material deemed acceptable for a contained fire or recreational fire by the Fire Chief;
- k. **Fire Protection Agreement** means a contract between the Town of Okotoks and participating municipalities, provincial or federal governments or businesses involved, clearly defining the responsibilities, terms, conditions, and all other aspects of the fire services purchased, provided and/or required;
- l. **Fire Services** means the Fire Services Department established by Council and organized by the Town consisting of, but not limited to, all persons appointed or recruited to various positions within Fire Services, all buildings, equipment, apparatus, materials and supplies used in the operation, maintenance, and administration of Fire Services;
- m. **Fireworks** or **Firecrackers** means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subsection 1 and 2 in Section 14 of the *Explosives Act* (Canada) and Section 5.8 of the Alberta Fire Code;
- n. **Fireworks Display** means a display or show of Fireworks whether for recreational, professional or other purposes;
- o. **Incident** means a fire or medical situation where a fire or explosion is imminent or any other situation presenting danger or possible danger to life or property and to which Fire Services has responded;
- p. **Member** means any person who is a member of Fire Services;
- q. **Member in Charge** means the most senior or otherwise qualified Member who is responsible for the coordination of manpower, apparatus and equipment at an Incident, commonly called Incident Commander;
- r. **Nuisance** means any condition on or around a property that is dangerous to the safety or health of individuals, or which interferes with the use or enjoyment of other property;
- s. **Open Burning** means any fire that is not a contained fire or a recreational fire;

t. **Owner** means:

1. a person who is registered under the *Land Titles Act* as the owner of a parcel of land;
2. a person who is recorded as the owner of a property on the tax assessment roll of the Town;
3. a person who has purchased or otherwise acquired a parcel of land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not yet become the registered owner thereof;
4. a person holding himself out as the person having the powers and authority of ownership of a property or premises or who, for the time being, exercises the powers and authority of ownership;
5. a person controlling a property or premises under construction; or
6. a person who is the occupant of a property or premises pursuant to a rental or lease agreement, license, or permit;

u. **Peace Officer** means:

1. a member of the Royal Canadian Mounted Police;
2. a Community Peace Officer as appointed by the Solicitor General of Alberta; or
3. a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;

v. **Person** means an individual or any business entity including a firm, partnership, association, corporation, company or society;

w. **Portable Cooking Appliance** means an appliance sold or constructed for the sole purpose of cooking food outdoors normally fired by propane, natural gas, wood pellets, charcoal, briquettes, or other fuel source;

- x. **Prohibited Debris** means any material that when burned will result in the release of dense smoke or toxic air contaminants to the atmosphere as outlined in any statute or bylaw written to protect and enhance the environment and shall include but not be limited to materials described as:
1. straw and stubble;
 2. animal carcasses;
 3. animal manure;
 4. chemicals and chemical containers;
 5. combustible material in automobile bodies;
 6. combustible material in automobiles;
 7. household refuse;
 8. non-wooden material;
 9. paints and painting materials;
 10. pathological waste;
 11. rubber or plastic or anything containing or coated with rubber or plastic or similar substances except rubber or plastic attached to shredded scrap steel;
 12. tires;
 13. toxic substances;
 14. used oil; or
 15. wood or wood products containing substances for the purpose of preserving wood;
- y. **Recreational Fire** means a contained fire for the purposes of obtaining warmth or for viewing pleasure;
- z. **Safety Codes Act** means the *Safety Codes Act*, R.S.A. 2000 Chapter S-1, together with all regulations passed thereunder, as such may be amended and replaced from time to time;
- aa. **Town** means the Town of Okotoks, a municipal corporation in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;
- bb. **Violation Tag** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw; and
- cc. **Violation Ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Albert 2000, Chapter P-34 and any amendments or regulations thereto.

3. FIRE SERVICES

- 3.1 Council hereby establishes Fire Services in the Town of Okotoks for the purpose of:
- a. preserving life and property and protecting persons and property from injury or destruction by fire;
 - b. preventing and extinguishing fires;
 - c. investigating the cause of fires in accordance with the Quality Management Plan approved by Council and the Safety Codes Council;
 - d. providing rescue services and medical first response;
 - e. preventing, combatting and controlling Incidents;
 - f. carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Quality Management Plan approved by Council and the Safety Codes Council;
 - g. enforcing the provisions of the *Safety Codes Act*, the Fire Code and all STANDATAs;
 - h. recommending to Council the entering into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
 - i. fulfilling obligations under Fire Protection Agreements;
 - j. purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property;
 - k. enforcing the provisions of the *Safety Codes Act* and its regulations; and
 - l. providing emergency management and disaster services.
- 3.2 Fire Protection Services shall be performed by the Fire Services Department to the Level of Service and in accordance with the Standard Operating Procedures and Standard Operating Guidelines, none of which shall be inconsistent with applicable Federal or Provincial legislation.
- 3.3 The Fire Services Department shall consist of such Members, personnel, Buildings, Apparatus and Equipment as deemed appropriate by Council given the resources available to Council for the protection of persons and property within the Town from Fire and other Emergencies.
- 3.4 The CAO in consultation with the Fire Chief or Deputy Chief may authorize Fire Services Department Responses outside of any written agreement or contracted areas.

4. FIRE CHIEF

- 4.1 The authority of the Fire Chief is granted by this Bylaw, Town policy and the *Safety Codes Act*. The Fire Chief shall ultimately be responsible to the CAO.
- 4.2 The Fire Chief shall perform such functions and have such powers and responsibilities as the CAO may prescribe from time to time. The Fire Chief has complete responsibility and authority over the Fire Services Department, and in particular he shall be required to carry out and coordinate all Fire Protection Service activities, including but not limited to:
- a. pre-fire planning;
 - b. disaster planning;
 - c. fire prevention patrols;
 - d. response to Incidents;
 - e. rescue response;
 - f. firefighting and fire suppression;
 - g. public fire education and information;
 - h. recruitment and retention of members; and
 - i. member training and other staff development.
- 4.3 The Fire Chief is hereby authorized to establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Services Department including:
- a. use, care and protection of Fire Services Department Property, which includes buildings, Equipment (trucks, vehicles) and Apparatus;
 - b. conduct, performance and discipline of Members of the Fire Services Department;
 - c. efficient operations of the Fire Department;
 - d. member training and certification;
 - e. establishment, implementation and execution of Standard Operating Procedures and/or Guidelines; and
 - f. physical fitness standards or requirements for medicals for Members; and Qualifications to be appointed as a Member.
- 4.4 In the event that any provision of this Bylaw is inconsistent with any legislation of the Province of Alberta, the legislation of the Province of Alberta shall prevail.
- 4.5 The Fire Chief is the Authority Having Jurisdiction for purposes of this Bylaw. The Fire Chief may delegate all or any of his/her authority under this Bylaw to a Deputy Fire Chief or Fire Captain who also holds qualification as an Authority Having Jurisdiction. Any action or decision made by such delegate may be reviewed, altered or rescinded by the Fire Chief.

- 4.6 Regulations, rules or policies made pursuant to Section 4.3 of this Bylaw shall not be inconsistent with this Bylaw, the Level of Service or any legislation or regulations of the Province of Alberta including the *Safety Codes Act* and the Fire Code.
- 4.7 The Fire Chief or Member in Charge shall have overall control, direction and management of all Fire Department Property and Members assigned to an Incident and he/she shall continue to act until relieved by a Member of the Fire Services Department authorized to do so.
- 4.8 The Fire Chief or Member in Charge may at his/her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter.
- 4.9 The Fire Chief or Member in Charge at an Incident 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.
- 4.10 The Fire Chief or Member in Charge at an Incident is empowered to cause the Fire Services Department to enter on any land or premises, including adjacent land or premises, to combat, control, or deal with the Incident in whatever manner he deems necessary.
- 4.11 The Fire Chief or Member in Charge is empowered to employ or commandeer privately owned equipment, or to conscript persons to assist at an Incident, which he/she considers necessary to deal with an Incident and, authorize payment for the possession or use of any such equipment necessary for the purpose of mitigating an Incident.
- 4.12 The Fire Chief or Member in Charge is empowered to take all steps he/she deems necessary in order to directly or indirectly combat, control, or deal with an Incident including:
- a. passing through or over buildings or property adjacent to an Incident and causing Members, apparatus or equipment to enter, pass through or over the building or property;
 - b. order the evacuation of any building or area which is directly or indirectly involved in an Incident;
 - c. causing a building, structure or other thing to be pulled down, demolished or otherwise removed; and
 - d. upon extinguishment of a Fire or resolution of an Incident, access, enter, pass through or over buildings or property adjacent to a Fire or Incident and cause a building, structure or thing to be pulled down, demolished or otherwise removed in accordance with the *Safety Codes Act*.

- 4.13 The Fire Chief or Member in Charge may obtain assistance from other officials of the Town as he/she deems necessary, in order to discharge his duties and responsibilities under this Bylaw.
- 4.14 Upon approval of the CAO, the Fire Chief may negotiate on behalf of the CAO with the Government of Alberta, other municipalities, and persons for the purpose of establishing mutual aid agreements and Fire Protection Agreements with recommendations and concerns regarding the establishing or renewing of any mutual aid agreement or Fire Protection Agreement or amendments thereto.
- 4.15 For the purpose of fire investigations and inspections, the Fire Chief or Member in Charge may obtain assistance from other officials of the Town as he deems necessary in order to discharge his duties and responsibilities under this Bylaw.
- 4.16 The Fire Chief or Member in Charge are designated officers of the Town for the purpose of carrying out any inspection, remedy, enforcement or other action required to be undertaken with respect to enforcing this Bylaw.
- 4.17 The limits of the jurisdiction of the Fire Chief, Designates and Members of the Fire Services Department will extend to the area and boundaries of the Town and such further areas beyond the jurisdiction of the Town where provided by the express authorization of a written contract or agreement or the approval of the CAO.
- 4.18 The Fire Chief may develop or implement systems or programs to reduce the risk of wildland - urban interface fires.

5. POWER OF MEMBERS

- 5.1 Each Member, under the direction of the Fire Chief or Member in Charge of the Fire Services Department, shall have the authority and power to:
- a. extinguish or control the Fire or undertake action to preserve life and property and enter onto any property for the purpose of extinguishing or controlling Fire or responding to an Incident; and
 - b. prevent interference with the efforts of persons engaged in the provision of Fire Protection Services by regulating the conduct of the public at or in the vicinity of any Fire or Incident.
- 5.2 Members shall have all the authority, duties and responsibilities as established under this Bylaw, the Standard Operating Guidelines, Standard Operating Procedures and any other applicable Federal, Provincial or municipal legislation, bylaws, policies or procedures.

6. REQUIREMENT TO REPORT

- 6.1 The owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Services Department particulars of the fire in a manner and form that is satisfactory to the Fire Chief.
- 6.2 The owner or his authorized agent of any property containing a Dangerous Good(s) that sustains an accidental or unplanned release of the Dangerous Good(s) shall immediately report to the Fire Chief particulars of the release in a manner and form that is satisfactory to the Fire Chief.

7. OPEN BURNING

- 7.1 No person shall cause or allow open burning of any fire unless they have applied for and been issued a Fire Permit by the Fire Chief.

8. EXEMPTIONS

- 8.1 A Fire Permit is not required for any contained fire, recreational fire, or portable cooking appliance.
- 8.2 Any contained fire or recreational fire permitted by this Bylaw will be positioned on a non-combustible surface and shall not:
- a. be located in a front yard;
 - b. be less than 2 meters away from any structure or property line;
 - c. be located beneath any tree or the branches of any tree;
 - d. continue to burn when the wind is blowing or gusting above 30 km/h;
 - e. be left unattended at any time; or
 - f. be located on a deck, porch, within a covered gazebo.
- 8.3 Any fire permitted by this Bylaw shall be contained to a reasonable size so that the fire, embers, sparks or smoke emanating from such fire do not endanger any person or property, or cause any objectionable or nuisance effects to nearby persons or property.
- 8.4 Any fire permitted by this Bylaw shall only be fueled by clean and dry burning materials and those materials shall not contain any preservatives. Prohibited debris shall not be burned.
- 8.5 Any fire permitted by this Bylaw that does not comply with 8.2, 8.3 or 8.4 may require the property owner or person responsible for the fire to relocate, remove, or extinguish the fire as ordered by the Fire Services Department or a Peace Officer.

9. FIRE BANS

- 9.1 Notwithstanding any provisions of this or any other bylaw, when, in the opinion of the Fire Chief, there is a necessity to do so, the Fire Chief may:
- a. declare a partial fire ban for specified areas of the Town; or
 - b. declare a complete fire ban of any kind of burning for all areas of the Town.
- 9.2 When a fire ban is in effect, all fire permits are suspended unless otherwise directed by the Fire Chief.
- 9.3 Any fire ban issued by the Fire Chief shall be in force until the fire ban is lifted by the Fire Chief.
- 9.4 When determining whether to declare a fire ban, the Fire Chief will take into consideration any or all of the following:
- a. the air quality index;
 - b. recent levels of precipitation;
 - c. any water shortages or restrictions;
 - d. the overall fire danger at the location of the fire;
 - e. the availability of Fire Services to respond to additional calls for service; and
 - f. regional or provincial conditions and resource deployment.
- 9.5 The Fire Chief shall give public notice of any fire bans issued through websites, media announcements or any other methods deemed necessary.
- 9.6 No person shall cause or allow open burning, nor have a contained fire or recreational fire of any size when a fire ban has been declared.

10. FIREWORKS

- 10.1 No person shall sell, possess, or discharge Fireworks in the Town unless they have the appropriate permits, insurance and licensing for high level displays. A Fire Permit is required for the discharge of Fireworks. Fireworks must be purchased from a recognized company that meets all current provincial or federal regulations and standards. The Fire Chief may impose any conditions on a Fire Permit issued for discharge of Fireworks in the Town as deemed necessary.
- 10.2 Fireworks considered low level displays are banned in the Town. Possession, sale, or storage of Fireworks or Firecrackers is prohibited.

11. FIRE PERMITS

- 11.1 Any person wishing to obtain a Fire Permit must apply to the Fire Chief during the normal business hours of Fire Services.
- 11.2 Each application for a Fire Permit must contain the following information:
- a. the name and address of the applicant and the name and address of the owner of the land on which the applicant proposes to set a fire;
 - b. the legal and municipal description of the land on which the applicant proposes to set a fire;
 - c. the period of time for which the Fire Permit is required;
 - d. the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - e. the signature of the applicant; and
 - f. the written consent to the proposed fire by the owner of the land (if different than the applicant).
- 11.3 Upon receipt of an application for a Fire Permit, the Fire Chief shall consider the application, and may pursuant to the provisions of this Bylaw and the Alberta Fire Code:
- a. refuse to grant a Fire Permit;
 - b. grant a Fire Permit with or without terms and conditions as he deems appropriate; or
 - c. determine that a Fire Permit is not required.
- 11.4 The Fire Permit fee shall be set by the Rates and Fees Bylaw and shall be paid upon approval of the Fire Permit application.
- 11.5 A Fire Permit shall not be transferable.
- 11.6 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief and shall state the period of time for which the said Fire Permit is valid.
- 11.7 The Fire Chief may extend in writing the period of time that a Fire Permit is valid provided the Fire Permit has not expired.
- 11.8 Fire Permits may be cancelled at any time when in the opinion of the Fire Chief or their designate, there is a necessity to do so.

12. RECOVERY OF COSTS

- 12.1 Where the Fire Services Department has extinguished a fire or responded to a fire call or Incident within or outside 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 (Bylaw 11-10), the Fire Chief may, in respect of any costs incurred by the Fire Services Department 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 of the property where the Incident occurred; or
 - c. the owner of the property or the person in possession and control of the property if the location of the Incident is not on privately owned land.
- 12.2 The fees and charges to be levied by the Fire Services Department for services rendered pursuant to this Bylaw shall be as set out in the Rates and Fees Bylaw, and:
- a. the Town may recover such fees or charges as a debt due and owing to the Town; or
 - b. where permitted under the *Municipal Government Act*, such fees or charges may be charged against the land as taxes due and owing in respect of that land.

13. PENALTIES AND ENFORCEMENT

- 13.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars, imprisonment for a term not exceeding one (1) year, or both.
- 13.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.
- 13.3 Where a person contravenes the same provision of this Bylaw two (2) or three (3) times within one twelve month (12) period, the specified penalty payable in respect of the second or subsequent contravention shall be the amount stated in Schedule "A" for such offences.
- 13.4 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.

- 13.5 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.
- 13.6 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
- a. a violation tag allowing a payment of the specified penalty to the Town; or
 - b. a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 13.7 Service of a violation tag will be sufficient if it is:
- a. personally served; or
 - b. served by regular mail to the person's last known mailing address.
- 13.8 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a. specify the fine amount established by this Bylaw for the offence; or
 - b. require a person to appear in Court without the alternative of making a voluntary payment.
- 13.9 A person who commits an offence may:
- a. if a violation ticket is issued in respect of the offence; and
 - b. if the violation ticket specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

14. SEVERABILITY

- 14.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

15. GENERAL

- 15.1 Any person who contravenes any provision of this Bylaw by:
- a. doing any act or thing which the person is prohibited from doing; or
 - b. failing to do any act or thing the person is required to do
- is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- 15.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order or license.
- 15.3 Words in the singular include the plural and words in the plural include the singular.
- 15.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 15.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.
- 15.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premises as provided by the *Municipal Government Act*, or any other law of the Province of Alberta.

Bylaws 26-98 and 13-16 of the Town and any amendments thereto are hereby repealed upon this Bylaw coming into effect.

This Bylaw shall come into full force and effect upon third and final reading,

READ A FIRST TIME this 27th day of February, 2017.

READ A SECOND TIME this 13th day of March, 2017.

READ A THIRD TIME AND PASSED this 13th day of March, 2017.

Mayor

Municipal Secretary

Schedule "A"

SECTION	OFFENCE	PENALTY 1st offence	PENALTY 2nd /subsequent offences
7.1	Cause or allow open burning without a permit	\$250.00	\$500.00
8.2 i)	Have fire in front yard	\$250.00	\$500.00
8.2 ii)	Have fire less than 2 m from structure or property line	\$250.00	\$500.00
8.2 iii)	Have fire beneath tree or branches	\$250.00	\$500.00
8.2 iv)	Have fire when wind above 30 km/h	\$250.00	\$500.00
8.3	Have fire of unreasonable size / cause objectionable or nuisance effects	\$250.00	\$500.00
8.4	Have fire using incompatible material	\$250.00	\$500.00
9.6	Have fire during declared fire ban	\$500.00	\$1000.00