

TOWN OF WAINWRIGHT BYLAW 2010-09

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, enables the Council of the Town of Wainwright to pass bylaws respecting the safety, health and welfare of people and property;

NOW THEREFORE the Council of the Town of Wainwright, in the Province of Alberta, duly assembled, does hereby enact:

PART 1 – TITLE AND DEFINITIONS

1.1 This bylaw shall be called the “Fire Bylaw.”

1.2 For the purpose of this bylaw:

- (1) “Apparatus” means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies;
- (2) “Chief Administrative Officer” means the Chief Administrative Officer appointed by the Town or a representative authorized by him/her;
- (3) “Council” means the Council of the Town of Wainwright;
- (4) “Dangerous Goods” means those products or substances, which are regulated by the Dangerous Goods Transportation and Handling Act;
- (5) “Department” means the Fire & Rescue Department established by this bylaw and includes any person and includes any person duly appointed to the Department;
- (6) “Equipment” means any tools contrivances, devices or materials used by the Department to combat an incident or other emergency;
- (7) “False Alarm” means any notification to the Department or member respecting the existence of a condition, circumstance or event containing an imminent serious danger to life or property wherein such a condition, circumstance or event is in fact not in existence;
- (8) “Fire” means any combustible material in a state of combustion;
- (9) “Fire Chief” means the member appointed as head of the Department who is also a Safety Codes Officer pursuant to the Safety Codes Act and includes any person designated in his/her absence;

- (10) "Fire Hazard" means any condition, circumstance or event wherein the possibility of a fire is increased;
- (11) "Fire & Rescue Department Property" means all property owned or controlled by the Town and designed for use by the Department, regardless of the source of the property;
- (12) "Fire Permit" means a document issued by the Fire Chief or his designate pursuant to this bylaw, on the form adopted by the Town from time to time;
- (13) "Fire Pit" means a burning device to burn combustible material as described in the attached Schedule B;
- (14) "Fire Protection" means all aspects of fire safety, including but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire inspection, fire investigation, public education and information, rescue, training or other staff development and advising;
- (15) "Fire Protection Charge" means any or all costs incurred by the Department in providing fire protection and/or rescue services;
- (16) "First Responder" means a member who in the course of his/her normal duties may be the first on the scene of a dangerous goods or hazardous materials incident and is trained to recognize that a hazard exists, calls for trained personnel and secures the area;
- (17) "Illegal Fire" means any fire, which is in contravention of this bylaw;
- (18) "Incident" means a fire and/or rescue situation where an explosion is imminent or other situation where there is a danger or possible danger to life or property and to which the Department has responded;
- (19) "Member" means any person who is duly appointed to the Department and includes the Fire Chief;
- (20) "Officer" shall mean an officer of the Department;
- (21) "Peace Officer" means a member of the Royal Canadian Mounted Police, a community peace officer appointed under the *Peace Officer Act*, S.A. 2006, Chapter P-3.5, and amendments thereto, or a bylaw enforcement officer appointed for or by the Town;
- (22) "Property" means any real or personal property, which, without limiting the generality of the foregoing, includes land and structures;
- (23) "Running Fire" means a fire burning without being under the proper or any control of any person;

- (24) "Structure Fire" means a fire confined to and within any building, structure, machine or vehicle which will or is likely to cause destruction or damage to such building, structure, machine or vehicle, excluding an incinerator fire; and
- (25) "Town" means the Town of Wainwright.

PART 2 – ESTABLISHMENT OF THE DEPARTMENT

- 2.1 There is hereby established the Wainwright Fire & Rescue Department for the provision of fire protection and/or rescue services within the Town.
- 2.2 The Department shall respond within the scope that the Department's manpower, equipment and training permits, for the purpose of:
 - (1) preventing and extinguishing fires;
 - (2) preserving life and property and protecting persons and property from injury or destruction by fire;
 - (3) investigating the cause and origin of fires in accordance with the Town's Quality Management Plan;
 - (4) acting as first responders to a dangerous goods, hazardous materials or industrial incident;
 - (5) providing rescue services including vehicle extrication;
 - (6) carrying out fire inspections and prevention activities; and
 - (7) fulfilling its obligations under agreements with other municipalities or authorities with respect to fire protection.

PART 3 – FIRE CHIEF

- 3.1 The Fire Chief shall be appointed by the Chief Administrative Officer and shall be responsible for the operation and administration of the Department in accordance with the provisions of this bylaw and the policies adopted by Council.
- 3.2 The Fire Chief shall prepare and recommend for adoption by Council such rules, regulations, policies, standard operating procedures and protocol as may be required for the proper operation and administration of the Department.
- 3.3 The Fire Chief shall be responsible for the recruitment and appointment of members to the Department and has the authority to dismiss any member for cause, including but not limited to neglect of duties or insubordination.

- 3.4 The Fire Chief shall be responsible for the use, care and protection of Department property.
- 3.5 The Fire Chief shall within the Department's approved budget purchase or otherwise direct the acquisition of such apparatus, equipment and supplies required for the proper administration and operation of the Department.
- 3.6 The Fire Chief shall keep or cause to be kept, in proper form, records of all business transactions of the Department including the purchase or acquisition of apparatus, equipment and supplies.
- 3.7 The Fire Chief shall keep a record of all fires attended, actions taken in extinguishing fires, inspections carried out and actions taken on account of inspections in accordance with the Quality Management Plan and any other records incidental to the operation of the Department.
- 3.8 The Fire Chief, or in his/her absence, the member in charge shall have control, direction and management of Department apparatus, equipment and manpower, assigned to an incident and where a member is in charge, he or she shall continue to act until relieved by an officer authorized to do so.
- 3.9 The Fire Chief or member in charge may, at an incident, at his or her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him/her.
- 3.10 The Fire Chief or member in charge may request Peace Officers to enforce restrictions on persons entering within the boundaries of limits outlined in section 3.9.
- 3.11 The Fire Chief or member in charge, at an incident, is empowered to enter private property and to take all steps deemed necessary in order to directly or indirectly combat, control or deal with an incident, including but not limited to:
 - (1) passing through or over buildings or property, whether adjacent or otherwise, to an incident and remain in or on the building or property and to cause members of the Department and the apparatus and equipment of the Department to enter or pass through or over the building or property and remain in or on the building or property; and
 - (2) causing a building, structure or thing to be wholly or partially pulled down, demolished, modified or otherwise removed.
- 3.12 The Fire Chief may obtain assistance from other Town officials as deemed necessary in order to discharge his/her responsibilities under this bylaw.
- 3.13 The limits of the jurisdiction of the Fire Chief, officers and members of the Department will extend to the area and boundaries of the Town and no part of the

fire apparatus and equipment shall be used beyond the limits of the Town without the express authorization of a mutual aid agreement.

- 3.14 Regulations, rules or policies made pursuant to this bylaw shall not be inconsistent with the laws of the Province of Alberta.

PART 4 – POWERS OF DEPARTMENT MEMBERS

4.1 Each member shall have the authority and power to:

- (1) extinguish or control a fire or the operations to preserve life and property and enter onto any property for the purpose of extinguishing or controlling a fire;
- (2) prevent interference with efforts of persons engaged in extinguishing a fire or prevent the spread thereof by regulating the conduct of the public at or in the vicinity of any fire; and
- (3) direct traffic in such a manner as he/she deems necessary at or in the vicinity of any incident.

PART 5 – POWERS OF DEPARTMENT OFFICERS

5.1 Each officer shall have the authority and power during an incident to commandeer and authorize payment for the use of any equipment for the purpose of fighting a fire or preserving life or property.

PART 6 – FIRE PROTECTION CHARGES

- 6.1 Where the Department has responded to or taken action in respect to an incident for the purpose of providing rescue services, extinguishing a fire or responding to a call including a false alarm, the Fire Chief may levy a fire protection charge to the person who caused or contributed to the fire or incident, or the owner or occupant of the property involved and all individuals levied are jointly and severally responsible for the fire protection charge.
- 6.2 The Department may levy a charge for inspection or investigation services provided.
- 6.3 The schedule of fees for fire protection charges shall be as established by Council in the form of policy.
- 6.4 A fire protection charge shall be paid within thirty (30) days of being levied.
- 6.5 Collection of unpaid fire protection charges may be undertaken by civil action in court of competent jurisdiction, and any civil action does not invalidate any lien to which the Town is entitled on the property in respect of which the indebtedness is incurred.

- 6.6 The owner of a parcel to which fire protection is provided is liable for fire protection charges incurred and the Town may, as permitted by the Municipal Government Act, add to the tax roll of the parcel of land all unpaid fire protection charges.

PART 7 – CONTROL OF FIRE HAZARDS

- 7.1 **The Fire Chief** may, at anytime it deems necessary for the protection of life and property, issue an order banning all open fires and/or fires in fire pits within the Town.

PART 8 – REQUIREMENT TO REPORT

- 8.1 The owner or authorized agent of any property damaged by a fire shall immediately report to the Department particulars about the fire, to the satisfaction of the Fire Chief.
- 8.2 The owner or authorized agent of any property containing dangerous goods shall immediately report to the Department the particulars regarding any accidental or unauthorized release of such dangerous goods. The owner or authorized agent of the property shall provide such information regarding the release to the satisfaction of the Fire Chief.

PART 9 – FIRE PERMITS

- 9.1 No person shall start or maintain a fire without a fire permit except for a fire in a fire pit as described in Schedule B.
- 9.2 An application for a fire permit, as described in Schedule C, shall be made in writing to the Fire Chief or his/her designate.
- 9.3 A written application for a fire permit must contain the following information:
- (1) the name and address of the applicant and the name and address of the owner of the property on which the applicant proposes to set a fire;
 - (2) the municipal address and legal description of the property on which the applicant proposes to set the fire;
 - (3) the purpose of the fire;
 - (4) the period of time for which the permit is required;
 - (5) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - (6) the signature of the applicant; and

- (7) the written consent to the proposed fire by the owner of the property (if different from the applicant).
- 9.4 Upon receipt of an application for a permit, the Fire Chief shall consider the permit application and after having done so, may:
- (1) refuse to grant a permit;
 - (2) issue the permit without conditions; or
 - (3) issue the permit with conditions considered appropriate.
- 9.5 Fire permits issued pursuant to this bylaw are valid for such period of time as determined by the Fire Chief.
- 9.6 The Fire Chief may repeal a fire permit issued in accordance with this bylaw at any time.
- 9.7 A fire permit is not transferable.
- 9.8 A person to whom a fire permit has been issued to under this bylaw shall at all times keep a competent person in charge of the fire and shall barricade or otherwise secure the area to prevent unauthorized entry.
- 9.9 The permit fee shall be as established by Council in the form of policy.

PART 10 – ILLEGAL FIRE

- 10.1 A member of the Department, a Peace Officer or an employee of the Town may extinguish an illegal fire using whatever apparatus or procedure that they deem appropriate or necessary to extinguish the fire.
- 10.2 The costs incurred in controlling or extinguishing any illegal fire shall be recovered from the person causing the fire in accordance with the provisions of this bylaw and the Municipal Government Act.

PART 11 – OFFENCES

- 11.1 No person shall:
- (1) impede, obstruct or hinder a member of the Department, Peace Officer or any other person assisting or acting under the direction of the Fire Chief, or his designate or member in charge of an incident;
 - (2) cause or permit any fire in the Town to occur contrary to the provisions of this bylaw;
 - (3) damage or destroy Department apparatus or equipment;

- (4) drive a vehicle over any equipment without permission of the Fire Chief or his designate or member in charge of an incident;
- (5) falsely represent themselves as a member or wear or display any Department badge, cap, button, insignia or other paraphernalia for the purpose of false representation;
- (6) obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water required for fire fighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water required for fire fighting purposes;
- (7) at an incident, enter the boundaries or limits as established under section 3.9 unless authorized by the Fire Chief or his designate or member in charge of an incident;
- (8) impede, obstruct or hinder a member of the Department from carrying out duties imposed by this bylaw;
- (9) provide false, incomplete or misleading information to the Department with respect to an incident, fire or other fire related matter;
- (10) either directly or indirectly, personally or through an agent, servant or employee kindle a fire or let it become a running fire on any land not his or her own property or allow a running fire to pass from his or her own property to the property of another;
- (11) permit a fire to burn when a fire is set in contravention of this bylaw. The owner or occupier of land, or the person having control of the land upon which the fire is lit shall immediately extinguish the fire or if unable to extinguish the fire, report the fire to the Department as soon as possible;
- (12) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- (13) light a fire when the weather conditions are conducive to create a running fire;
- (14) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a running fire or from spreading onto property other than his or her own;
- (15) deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a fire; or
- (16) sell, discharge, fire or set off fireworks within the limits of Town, unless otherwise approved by the Fire Chief or his/her designate.

PART 12 – ENFORCEMENT

- 12.1 Any person that breaches or contravenes any provisions of this bylaw or fails to act in compliance and accordance with any notice given to him under this bylaw is guilty of an offence.
- 12.2 When a Peace Officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, he/she may serve upon such person an offence ticket allowing the payment of a specified penalty as described in Schedule A to the Town within fourteen (14) days of the issuance date of the offence ticket. The Town shall accept such payment in lieu of prosecution for the offence.
- 12.3 Service of an offence ticket shall be sufficient if it is:
- (1) personally served; or
 - (2) mailed by registered mail to the address of the person who has contravened the bylaw.
- 12.4 The offence ticket shall state:
- (1) the name and address of the offender if ascertainable;
 - (2) the offence;
 - (3) the location, date and time of the offence;
 - (4) the specified penalty; and
 - (5) that the penalty shall be paid within fourteen (14) days of the issuance of the offence ticket to avoid prosecution for the offence.
- 12.5 Unless otherwise stated in this bylaw, where contravention of this bylaw is of a continuing nature, further offence tickets may be issued by a Peace Officer, provided, however, that no more than one offence ticket shall be issued for each day that the contravention continues.
- 12.6 A Peace Officer is hereby authorized to issue a violation ticket in accordance with the provisions of the Provincial Offences Procedure Act, Chapter P-34, R.S.A. 2000 and amendments thereto to any person who fails to pay the penalty specified in an offence ticket issued under section 12.2 within the prescribed time period.
- 12.7 A violation ticket issued under Section 12.6 may specify a penalty as described in Schedule A.

12.8 Notwithstanding section 12.6, a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

PART 13 – LIABILITY

13.1 The Town shall save a member of the Department harmless from any liability whatsoever, except for as hereinafter provided and to assume and pay all debts, claims and liabilities charged to or incurred by the member as a result of carrying out the duties or obligations under this bylaw and to pay and discharge the same as such debts and liabilities come due, providing that the member claiming indemnity acts in good faith and without malice and in accordance with this bylaw. A member shall not be held liable for any loss occasioned as a result of carrying out the duties described or contemplated herein, except for loss caused by his/her own dishonesty, gross negligence, criminal act or wilful breach of trust.

13.2 Any suit brought against a member because of an act or omission performed by him/her in the enforcement of any provision of this bylaw shall be defended by the Town until final determination of the proceedings.

PART 14 – EFFECTIVE DATE

14.1 This bylaw shall come into full force and effect upon receiving third (3rd) and final reading.

14.2 Bylaw 2005-13 and amendments thereto are repealed upon this bylaw receiving third and final reading.

READ a First Time in Council this 21st day of December, A.D., 2010.

Mayor

Chief Administrative Officer

READ a Second Time in Council this 4th day of January A.D., 2011.

Mayor

Chief Administrative Officer

READ a Third Time in Council and Finally Passed this 4th day of January A.D., 2011.

Mayor

Chief Administrative Officer

SCHEDULE A – PENALTIES

Specified Penalties for Offence Tickets

First Offence: \$200.00
Second or Subsequent Offence: \$400.00

Specified Penalties for Violation Tickets

First Offence: \$300.00
Second or Subsequent Offence: \$600.00

Note:

For both offence tickets and violation tickets, a second or subsequent offence is deemed to be committed if it occurs within one (1) year of the previous offence.

SCHEDULE B – FIRE PITS

DESIGN REGULATIONS

Fire pits, outdoor fireplaces or stationary barbeques that burn combustible materials shall meet the following minimum requirements:

- a minimum of 3.0 metres (10 feet) clearance shall be maintained from the eave of a building, property line or combustible material (i.e. decks, trees, fences etc.)
- fire pit and outdoor fireplaces installations shall have a surface or cooking area not exceeding 1 square metre (10 square feet)
- a spark arrestor mesh screen with a grid spacing of 1.25 centimetres (0.5 inches) or less expanded metal (or equivalent) to contain sparks shall be provided over the fire at all times
- except for portable outdoor fireplaces, fire pit bases shall have a 15 centimetre (6 inch) non-combustible base (i.e. bricks, concrete blocks, heavy gauge metal) and a 20 centimetre (8 inch) non-combustible perimeter area

USE REGULATIONS

1. The use of fire pits within Town is intended for recreational purposes only.
2. The user shall not allow smoke or sparks to create a nuisance or hazard to neighbors or to other properties.
3. Only clean seasoned wood that is not contaminated with glue, paint, stain or other preservatives may be used for burning.
4. Refuse or waste materials including grass and leaves shall not be burned.
5. Large fires or bon fires are not permitted; fires shall not have a flame height of more than 50 centimetres (20 inches) above the fire pit screen surface.

SCHEDULE C – FIRE PERMIT



TOWN OF WAINWRIGHT
FIRE PERMIT APPLICATION
BYLAW 2010-09

Applicant's Name: _____ Phone Number: _____

Mailing Address: _____

Address of property where burning will take place: _____

Are you the owner of the above noted property: Yes No

Property Owner's Name: _____ Phone Number: _____

Mailing Address: _____

Property Owner's Consent Signature

Date

Purpose of the Fire: _____

Time Period the Permit is Required For: _____

Precautions that will be taken by the applicant to ensure that the fire remains under control:

Applicant's Signature

Date

The applicant agrees to indemnify and save harmless the Town of Wainwright from all liabilities arising out of the operations authorized by this fire permit.

The applicant agrees to pay the cost of fighting all fires caused as a result of the fire getting out of control.

Issuer's Signature

Date

This permit is valid from: _____ to _____

This permit may be cancelled at anytime at the sole discretion of the issuer.

See Fire Permit Conditions on the reverse side.

FIRE PERMIT CONDITIONS

1. The applicant is responsible for the fire(s) authorized by this permit and shall be held liable for all damages caused by him/her, or others, while acting under this permit.
2. The applicant shall provide at the site during light up and for safeguarding the fire(s) authorized by this permit, a competent adult person(s) suitably equipped to effectively safeguard the fire.
3. No fire(s) is/are to be lit prior to sunrise and any existing fire(s) remaining from the previous day will be attended until out.
4. No fire(s) are to be lit if the wind exceeds 20 kilometres per hour.
5. The applicant shall give consideration to neighbors so as to avoid smoke from entering their property.
6. The applicant shall totally extinguish all fire(s) authorized by this permit on or prior to the expiry of this permit; or shall extinguish the fire(s) upon suspension or cancellation of this permit or when instructed to do so by a representative of the Town of Wainwright.
7. The applicant shall also abide by additional written conditions attached to this permit.