

VILLAGE OF DONALDA
Bylaw #766-23

WHEREAS the Village of Donalda, hereinafter called the Village, wishes to regulate, and control the use and setting of fires within the Village,

AND WHEREAS the Village of Dona Ida wishes to provide for the recovery of Fire protection service costs incurred by the Village.

NOW THEREFORE, the Municipal Council of the Village of Donalda, in the Province of Alberta, enacts a Bylaw referred to as the "Fire Protection Bylaw".

1. Definitions

- 1.1 Acceptable Fire Pit means an outdoor receptacle that meets the following specifications:
 - a) A minimum of 3 meters clearance measured from the nearest edge to a building, property line, or combustible materials,
 - b) Must be constructed of a non-combustible material that which must be not less than twelve (inches in height and not greater than thirty--six {36} inches in diameter, set into the ground not less than two (2) inches,
 - c) Equipped with a mesh screen with a maximum opening in the screen holes of one-half of an inch (1/2) to prevent embers from escaping,
- 1.2 Apparatus -means any vehicle provided with machinery, devices, equipment or material for firefighting, and vehicles used to transport firefighters or supplies.
- 1.3 Alberta Fire Code -means the Alberta Fire Code 2019 as amended or repealed and replaced occasionally.
- 1.4 Burning Hazard means an actual or potential occurrence of Fire or other organic or inorganic material combustion that could endanger human life or Property or property damage.
- 1.5 Bylaw Officer -means a Bylaw Enforcement Officer appointed by the Village of Donalda under section 555 {l} of the Municipal Government Act.
- 1.6 Chief Administrative Officer (C.A.O.) is appointed to the position and title of Chief Administrative Officer by the Council of the Village of Donalda.
- 1.7 Dangerous Goods -means those products or substances regulated by the Transportation of Dangerous Goods Act and its regulations or any other Provincial or Federal statute as may be enacted occasionally.
- 1.8 Emergency Unit -means a fire truck, pumper truck, rescue truck, mobile command unit, brush tanker, tanker, enforcement vehicle or other vehicle designated by the Fire Department.
- 1.9 False Alarm -any report of an Incident to the Fire Department or a member whosoever received, which does not exist.

- 1.10 Fire Agreement means the fire agreement between the County of Stettler No. 6 and the Village of Donalda as amended or renewed from time to time,
- 1.11 Fire Department -means the Fire Department of the County of Stettler and includes any or their designate,
- 1.12 Fire Hazard -any situation, process, material or condition that can cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of a fire or an explosion, all of which can threaten life or Property.
- 1.13 Fire Permit -is the written approval for burning in the Municipality issued pursuant to this Bylaw.
- 1.14 Fire Permit Application - is the application form seeking permission to burn in the Municipality pursuant to this Bylaw.
- 1.15. Fire Protection Charge -any or all costs incurred by the Village of Dona Ida because of the provision of Fire Protection within the Village of Donald a under Part 2 of this Bylaw.
- 1.16. Fire Protection Services - means all aspects of Fire safety but not limited to Fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education, rescue, medical first response and training or other staff development and advising.
- 1.17. Highway- has the same meaning as defined in the Traffic Safety Act of Alberta.
- 1.18. Incident - means a fire or situation where a fire or an explosion is imminent or any other situation presenting a danger or possible danger to life or Property and to which the Fire Department may respond.
- 1.19 Member- means any person duly appointed member of the Fire Department, whether that member is a full-time, part-time or a volunteer.
- 1.20 Open Fire - means any fire not contained within an acceptable fire pit.
- 1.21 Officer-a member appointed by the Fire Chief to a supervisory position within the Fire Service.
- 1.22 Owner - means any person who is registered under the Land Titles Act as the Owner of the land.
- 1.23 Peace Officer- means a member of the Royal Canadian Mounted Police or a person whom the Province of Alberta appoints as a peace officer with the authority in the Village of Donalda.
- 1.24 Person - means an individual, proprietorship, partnership, or corporation.
- 1.25 Platoon Chief-an officer of the Fire Department assigned a group of firefighters.
- 1.26 Prohibited Debris- means any material that, when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment and shall include but are not limited to materials as described below:
- Animal cadavers,
 - Animal Manure,

- Chemicals and chemical containers,
 - Combustible materials in automobile bodies,
 - Combustible materials in automobiles,
 - Household refuse,
 - Non- wooden material,
 - Pathological waste.
 - Rubber, plastic or anything containing or coated with rubber or plastic or similar substances,
 - Tires,
 - Toxic substances,
 - Used oil; or
 - Wood or wood products containing substances to preserve wood;
- 1.27 Recreational Fire is a fire set in a controlled setting to provide light warmth or cook small food items.
- 1.28 Regional Fire Chief- means the manager of the Stettler Regional Fire Department or their designates, jointly owned, and operated by the County of Stettler No. 6 and the Town of Stettler.
- 1.29 1.29. Running Fire -means a fire burning without being controlled by any person.
- 1.30 Safety Codes Officer-any member certified by the Safety Codes Council of Alberta as a Safety Codes Officer for the Fire Discipline and given Designation Power pursuant to the Safety Codes Act of Alberta.
- 1.31 Violation Ticket -a ticket or similar document issued by the Municipality pursuant to the Municipal Government Act, R.S.A. 2000 c. M-26 and amendments hereto;

2. Service Provided

- 2.1 The Stettler Regional Fire Department may provide services for the purpose of:
- a) Preventing and extinguishing fires,
 - b) Preserving life and property and protecting persons and Property from injury or destruction by Fire;
 - c) Providing rescue services;
 - d) Preventing, combating and controlling incidents,
 - e) Carrying out or causing to happen; prevention patrols, pre-fire planning, fire inspections, and investigation in accordance with the Fire Quality Management Plan approved by the Safety Codes Council,
 - f) Entering into an agreement with other municipalities or persons for the joint use, control and management of Fire extinguishing apparatus or equipment.
 - g) Medical First Response provides a maximum service level of "Standard First Aid" with Enhanced Skills, except for ambulance service.

3. Delegation of Authority

- 3.1 The Council of the Village of Dona Ida hereby delegates the following authorities:
- a) A Fire Department Officer or any Member acting in their position is empowered to cause a building, structure, or thing to be pulled down, demolished or otherwise removed to prevent the spread of Fire to other buildings, structures or things.
 - b) A Fire Department Officer or any Member acting in their position is empowered to cause any Member to enter on any land or premises, including adjacent land or premises, to combat, control or deal with any incident in whatever manner a Fire Department Officer or any other Member in charge at the incident deems necessary.
 - c) A Fire Department Officer or any Member at an incident may, at their discretion, establish boundaries or limits and keep persons from entering a prescribed area.
 - d) A Fire Department Officer or any Member at an incident is empowered to enter, pass through or over buildings or Property where necessary to gain access to the incident or protect any persons or Property.
 - e) A Fire Department or any Member may request persons who are not Members to assist in extinguishing a fire, remove furniture, goods and merchandise from any building on Fire or in danger thereof and guarding and securing same and in demolishing a building or structure at or near the Fire or other incident.
 - f) A Fire Department Officer or any Member is empowered to commandeer privately owned equipment which they consider necessary to deal with an incident.
- 3.2 The Fire Department may seek assistance from any department or official of the Village as it deems necessary to fulfill its duties.

4. Control of Fire or Burning Hazard

- 4.1 If the Fire Department finds that within the Village boundaries on privately owned land or occupied public land, conditions that, in the opinion of the Fire Department, constitute a Fire Hazard or a Burning Hazard, it may order the Owner or the person in control of the land on which the Fire Hazard exists to reduce or remove the Hazard within a fixed period.
- 4.2 When the Fire Department finds that an order made pursuant to Section 4.1 has not been carried out, the Fire Department or a delegate may enter the land with any equipment and persons it considers necessary and may perform the required work to eliminate or reduce the fire hazard.
- 4.3 The Owner or person in control of the land on which work was performed pursuant to Section 4.1 shall, on demand, reimburse the Village of the Fire Department for the cost of the work performed and in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of the land as per the Municipal Government Act R.S.A. Chapter M-26, Section 553(1).

5. Permitted and Prohibited Fires

- 5.1. No person shall set, or cause to set, any fire within the boundaries of the Village of Donalda except as otherwise provided for under this Bylaw.
- 5.2. No person shall burn or cause to be burned any structure or prohibited derbies as referenced under Section 1.26 of this Bylaw.
- 5.3. Except when a fire ban is in effect, a person may, on Property owned or controlled by themselves or within the Donalda Campground, set a recreational fire, so long as that recreational Fire is set within an acceptable fire pit.
- 5.4. Except when a fire ban is in effect, a person, group or organization may set a recreational fire in an acceptable fire pit on the municipal-owned Property only after obtaining permission from the C.A.O. The C.A.O. may grant or deny permission at their discretion or after consultation with the Fire Chief.
- 5.5. When a fire is set in contravention of Section 5.1 or Section 4 of this Bylaw or during a fire ban, the Owner or the person having control of the land upon which the Fire is lit shall:
 - a) Extinguish the Fire immediately, or
 - b) If unable to extinguish the Fire immediately, report the Fire to the Fire Department as soon as possible.

6. Reporting of Fires

- 6.1. The Owner or their authorized agent of any property damaged by the Fire shall immediately report to the Fire Service particulars in a manner satisfactory to the Fire Chief.
- 6.2. The Owner or authorized agent of any property containing Dangerous Good(s) product which sustains an accidental or unplanned release of the Dangerous Good(s) product shall immediately report to the Fire Service particulars of the release in a manner satisfactory to the Fire Chief.

7. Fire Department Fees

- 7.1. Where the Fire Department has extinguished Fire or responded to an incident to preserve life or Property from injury or destruction by Fire or another incident, including but not limited to Fire Safety inspections and Fire Investigations, the County of Stettler No. 6 may bill the Village of Donalda for services according to the terms of the Fire Agreement.
- 7.2. Fire Department charges incurred by the Village of Dona Ida, directly or indirectly, as a result of providing Fire Department Services within the Village of Donalda's boundaries may be recovered by the Village from:
 - a) Any person causing or contributing to the Fire;

- b) The Owner or occupant of any Property benefiting from the Fire Protection Services if the person responsible for causing the Fire or the cause of the Fire is unknown or accidental.
 - c) And the above are jointly and severally liable for the Fire Protection Charge.
- 7.3 The schedule of fees to be charged by the Fire Department for services rendered pursuant to this Bylaw shall be set out in Schedule "A" of the Fire Agreement.
- 7.4 In respect of the fees or charges described in the Fire Agreement billed to the Village of Donald: a) The Village may recover such fees or expenses as a debt due and owing to the Village and
- b) Where the fees or charges are not paid upon demand by the Village, then in default of payment, such fees or charges may be rolled over the property owner's tax roll.

8. Offences/Restrictions

- 8.1 No person shall:
- a) Contravene any provisions of this Bylaw.
 - b) Deposit, discard or leave any burning material or substance where it might ignite other materials and cause a fire.
 - c) Provide false, incomplete or misleading information to the Village of Dona Ida or the Fire Department on or with respect to a fire.
 - d) Impede, obstruct or hinder a Member or Officer of the Fire Department or other person assisting or acting under the direction of the Officer or Member in charge at any incident.
 - e) Damage or destroy fire department property
 - f) Falsely represent themselves as a member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
 - g) At an incident, driving a vehicle over any fire department property without the permission of the Officer or Member is charged.
 - h) Obstruct or otherwise interfere with access roads or streets or other approaches to any Fire hydrant, cistern or body of water designed for Firefighting purposes or any connections provided to a water main, pipe, standpipe, sprinkler system, cistern or other body of water designated for Firefighting purposes.
 - i) Obstruct any member from carrying out any function or activity related to providing fire services.
 - j) Either directly or indirectly, personally or through an agent, servant or employee, kindle a fire prohibited under this Bylaw or let it become a running fire or allow a running fire to pass from their Property to the Property of another.
 - k) Light recreational Fire without taking sufficient measures to keep such a fire under control at all times.

- l) Light a recreational fire when they know or ought reasonably to know that the environmental conditions are conducive to creating a running fire, notwithstanding that no fire ban is in place.
- m) Conduct an activity that involves using flame or heated materials that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent the Fire from occurring.
- n) Set a recreational fire or open Fire where smoke from that Fire will impede the visibility of vehicular traffic and pedestrian traffic on any highway as defined in the Highway Traffic Act, R.S.A. 2000, c.H-7, as amended or repealed from time to time.

8.2 Nothing in this Bylaw shall be interpreted to authorize any fire, burning or other act contravening the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12 and amendments thereto, or any regulation made hereunder.

9. Penalties

- 9.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine of not less than that specified in Schedule "B" of this Bylaw. Where there is a contravention of this Bylaw and no specific penalty stated in Schedule "B" the penalty applied shall not be less than \$250 and not more than \$1,000 exclusive of costs, for each contravention.
- 9.2. Where a person contravenes any section of this Bylaw, based on information provided by the Fire Chief or designate that person may be liable to the Village of Donalda for the entire cost of any types of emergency response and mitigation service required to bring the Fire under control, whether the Fire Department provided that service or by a third party person or agency; and
- a) The Village may recover such fees and charges as debt due and owing to the Village and maybe rolled onto the property owner's tax roll.
- 9.3 A Bylaw Officer, Peace Officer or the C.A.O. is hereby authorized and empowered to issue a Bylaw Ticket in a form approved by the Village, to any person who that Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. A Bylaw Ticket may be issued to such persons:
- a) In-person; or
 - b) By mailing a copy to such person at his last known post office address.
- 9.4 A Peace Officer or Bylaw Officer may issue a violation ticket requiring a court appearance for the defendant, pursuant to the provisions of the Provincial Offences Procedure Act R.S.A. 2000, c.P-34.
- 9.5 Any fine or penalty imposed pursuant to this Bylaw ensures to the benefit of the Village.
- 9.6 If the penalty specified on a Bylaw Ticket is not paid within the prescribed time period, then a

Bylaw Officer or Peace Officer is hereby authorized and empowered to issue a Summons pursuant to the provisions of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.

10. Liability

10.1 The Chief Administrative Officer, Regional Fire Chief, Officers and Members of any Fire Department are not liable for loss or damage caused by anything said or done or omitted to be said or done in the performance or intended performance of their functions, duties or powers unless the circumstances constitute dishonesty, gross negligence or willful misconduct.

11. Severability

11.1 Should any clause or part of this Bylaw be found improperly enacted for any reason, then such clause shall be severed, and the remainder shall be maintained.

12. Attachments

12.1 SCHEDULE "A," SCHEDULE "B," and SCHEDULE "C" shall be included as part of this Bylaw.

REPEAL

Bylaw 697 is hereby repealed by passage of this Bylaw.

Bylaw 767-23 was given first reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 17th day of October 2023.

Bylaw 767-23 was given second reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 17th day of October 2023.

Unanimous consent for a third and final reading was given on this 17th day of October 2023.

Bylaw 767-23 was given third and final reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 17th day of October 2023.

Signature on File
Mayor

Signature on File
Chief Administrative Officer

SCHEDULE "A"

The charges and fees set out in Schedule "A" to this Bylaw are payable by the person registered as the fee simple owner of every premises within the Village of Donalda.

These charges and fees shall form a charge on the premises and may be recovered in the same manner and by the same means as overdue taxes.

The charges and fees are payable whether or not:

- a) The premises are occupied; or
- b) any occupant of the premises makes use of the service provided for in this Bylaw.

Description	Fee
Fire Protection Fees	\$11.33/month

SCHEDULE "B"

Fees for Fire Department Responding to Fire Calls

1. \$100.00/unit/hour for the first hour and \$60.00/unit/hour thereafter to a maximum of \$2,500.00 and the cost of other equipment and personnel required.
2. Motor Vehicle Accidents/Fires
 - \$400.00/unit/hour and cost of equipment required.
3. Other-at the discretion of the Chief Administrative Officer and Fire Chief (i.e., foam replacement, meals, mileage, etc).

SCHEDULE "C"

Infraction	1st Offence	2nd Offence	3rd Offence
Burning Prohibited Debris	\$250	\$500	\$1,000 or court appearance
Fire on Municipal-Owned Property without prior consent	\$250	\$500	\$750
Lighting a Fire During a Fire Ban	\$250	\$500	\$1,000
Deposit, discard or leave burning matter that may cause a fire	\$250	\$500	\$750
Provide false or misleading information	\$250	\$500	\$1,000
Impede or obstruct persons extinguishing a fire	\$250	\$500	\$1,000
Damage or destroy Fire Department Property	\$500	\$1,000	Court Appearance
False representation as a Member by any means	\$500	\$1,000	Court Appearance
Drive Over Fire Department Property	\$250	\$500	\$750
Obstruct access to a hydrant or body of water	\$250	\$500	\$750
Obstruct persons providing Fire Services	\$250	\$500	\$1,000
Kindle an illegal or running fire	\$250	\$500	\$750
Light a fire without sufficient measures to control it	\$250	\$500	\$750
Conduct an activity that may cause a fire	\$100	\$250	\$500
Impeding vehicular and pedestrian traffic by smoke	\$250	\$500	\$1,000