

Village of Donalda

Bylaw No. 697

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 Donalda 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".

Part 1: Definitions

- 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 of which must be not less than twelve (12) 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) so as to prevent embers from escaping.
- 2) Alberta Fire Code – means the Alberta Fire Code 2014 as amended, or repealed and replaced from time to time.
- 3) Burning Hazard – means an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or property or property damage.
- 4) Bylaw Officer – means a Bylaw Enforcement Officer appointed by the Village of Donalda under section 555 (1) of the Municipal Government Act.
- 5) Dangerous Goods – means those products or substances that are regulated by the *Transportation of Dangerous Goods Act* and its regulations or any other Provincial or Federal statute as may be enacted from time to time.
- 6) 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.
- 7) False Alarm – means any report of an Incident to the Fire Department or a member whosoever received, which does not exist in fact.
- 8) 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.
- 9) Fire Department – means the Fire Department of the County of Stettler and includes any person duly appointed to the Fire Department by the administrator, the Regional Fire Chief or his or her designate.
- 10) Fire Department Officer – means a member appointed by the Regional Fire Chief as his or her designate to a supervisory position within the Fire Department.
- 11) Fire Department Property – means all property owned or controlled by, and designated for use by the Fire Department, regardless of the source of the property.

- 12) Fire Hazard – means any situation, process, material or condition that can cause a fire or explosion or that can provide a ready fuel supply to augment the spread or intensity of a fire or explosion, all of which can pose a threat to life or property.
- 13) Fire Protection Charge – means any or all costs incurred by the Village of Donalda as a result of the provisions of Fire Protection within the Village of Donalda under Part 2 of this bylaw.
- 14) 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.
- 15) 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.
- 16) Member – means any person who is duly appointed member of the Fire Department whether that member is full time, part time, paid or a volunteer.
- 17) Open Fire – means any fire that is not contained within an acceptable fire pit.
- 18) Peace Officer – means a member of the Royal Canadian Mounted Police or person who is appointed by the Province of Alberta as a peace officer with authority in the Village of Donalda.
- 19) 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 described as:
 - a) Animal cadavers;
 - b) Animal manure;
 - c) Chemicals and chemical containers;
 - d) Combustible materials in automobiles;
 - e) Non –wooden material;
 - f) Paints and painting materials;
 - g) Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
 - h) Tires
 - i) Toxic substances
 - j) Used oil; or
 - k) Wood or wood products containing substances for the purposes of preserving wood
- 20) Recreational Fire – means a fire set in a controlled setting for the exclusive purpose of providing light, warmth or the cooking of small food items
- 21) Regional Fire Chief – means the senior manager of the Stettler Regional Fire Department or their designate, jointly owned and operated by the County of Stettler No. 6 and the Town of Stettler.
- 22) Running Fire – means a fire burning without being under control of any person.

Part 2 – Services Provided

- 1) Services may be provided by the Stettler Regional Fire Department for the purposes 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; preventative patrols, pre –fire planning, fire inspections, and investigations in accordance with the Fire Quality Management Plan approved by the Safety Codes Council.
- f) Entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
- g) Medical First Response providing a maximum service level of “Standard First Aid” with Enhanced Skills, excepting ambulance service.

Part 3 – Delegation of Authority

- 1) Donalda Village Council 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 if they deem it necessary 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 an incident in whatever manner a Fire Department Officer or any other member in charge at an 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 adjacent to an incident and to cause members of the fire department and the apparatus and equipment of the Fire Department to enter or pass through or over the building or property, where they deem it necessary to gain access to the incident or to 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, removing furniture, goods and merchandise from any building on fire or in danger thereof and in 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 he considers necessary to deal with an incident.

- 2) The Fire Department may seek assistance from any department or official of the Village as it deems necessary to fulfill its duties hereunder.

Part 4 – Control of Fire or Burning Hazards

- 1) If the Fire Department finds within in 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 time frame.
- 2) When the Fire Department finds that an order made pursuant to section 4.1 has not been carried out, the Fire Department may enter on the land with any equipment and persons it considers necessary and may perform the required work.

- 3) Where work was performed pursuant to Section 4.2
 - a) The Fire Department may bill the Village for the cost of the work performed
 - b) The owner or person in control of the land shall on demand reimburse the Village for the cost of the work performed by the Fire Department.
 - c) The Village may recover such fees and charges as a debt due and owing to the Village;
 - d) Where the fees and charges are not paid, such fees or charges may be rolled onto the tax roll of the property owner.

Part 5 – Permitted and Prohibited Fires

- 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.
- 2) No person shall burn or cause to be burned, any structure or prohibited debris including material that will result in the production of dense black smoke such as insulation from electrical wiring or equipment, asphalt roofing materials or hydrocarbons within the Village of Donalda except as may be approved in writing by the Fire Department.
- 3) Except in the instance when a fire ban is in effect, a person may on property owned or controlled by them or within the Donalda Campground, set a recreational fire, so long as that recreational fire is set within an acceptable fire pit.
- 4) Except in the instance when a fire ban in effect, a person, group or organization may set a recreational fire in an acceptable fire pit on municipally owned property only after having obtained permission from the CAO. The CAO may, at their discretion grant permission for the Recreational Fire without the need of an acceptable fire pit.
- 5) When a fire is set in contravention of Part 5 (1) or (4) or during a Fire Ban, the owner or occupier of the land 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.

Part 6 – Reporting of Fires

- 1) The owner or authorized agent of any property damaged by fire shall immediately report to the Fire Department all particulars of the fire in a manner and detail satisfactory to the Fire Department.
- 2) The owner or authorized agent of any property containing a dangerous good(s) product which sustains an accidental or unplanned release of the dangerous good(s) product shall immediately report to the Fire Department the particulars of the release in a manner satisfactory to the Fire Department.

Part 7 – Fire Department Fees

- 1) Where the Fire Department has extinguished a fire or responded to an incident for the purpose of preserving life or property from injury or destruction by fire or other incident, including and 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.
- 2) Fire Department charges incurred by the Village of Donalda, 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.
3. The schedule of fees and charges 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.
4. In respect of the fees or charges described in the Fire Agreement billed to the Village of Donalda:
 - a) The Village may recover such fees or charges 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.

Part 8 – Offenses/Restrictions

- 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 material and cause a fire
 - c) Provide false, incomplete or misleading information to the Village of Donalda 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 drive a vehicle over any fire department property without the permission of the Officer or Member in charge.
 - 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, stand pipe, sprinkler system, cistern or other body of water designated for Firefighting purposes.

- i) Obstruct any member from carrying out any function or activity related in any way to the provision of 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 his or her own property to the property of another.
 - k) Light a 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 create a running fire, notwithstanding that no fire ban is in place.
 - m) Conduct an activity that involves the use of 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 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.
- 2) Nothing in this Bylaw shall be interpreted to authorize any fire, burning or other act, which is in contravention of the Environmental Protection and Enhancement Act, R.S.A. 2000; c. E-12 and amendments thereto, or any regulation made hereunder.

Part 9 - Penalties

- 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.
- 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.
- 3) A Bylaw Officer, Peace Officer or the CAO 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.
- 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.
- 5) Any fine or penalty imposed pursuant to this Bylaw ensures to the benefit of the Village.
- 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.

Part 10 - Liability

- 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.

Part 11 - Severability

- 1) Should any clause or part of this Bylaw be found to have been improperly enacted, for any reason, then such clause shall be severed and the remainder of this Bylaw shall be maintained.

Part - 12 Attachments

- 1) SCHEDULE "A" and SCHEDULE "B" shall be included as a part of this Bylaw.

REPEAL

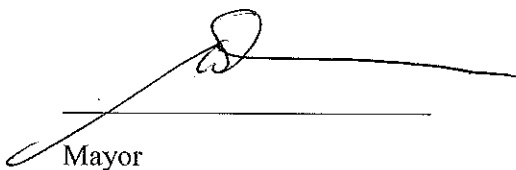
Bylaw 617 is hereby repealed by passage of this Bylaw.

Bylaw 697 was given first reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 16th day of August 2016.

Bylaw 697 was given second reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 16th day of August 2016.

Unanimous consent for a third and final reading given this 16th day of August 2016.

Bylaw 697 was given third and final reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 16th day of August 2016.



Mayor



Chief Administrative Officer

Schedule "A"

Fees for Fire Department Responding to Fire Calls

- 1) \$100.00/unit/hour for the first hour and \$60.00/unit/hour thereafter to maximum of \$2500.00 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 Chief Administrative Officer and Fire Chief (i.e. replacement of foam, meals, mileage etc.

Schedule "B"

INFRACTION	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE
Burning Prohibited Debris	\$250	\$500	\$1000 or court
Fire on municipal property without CAO permission	\$250	\$500	\$750
Lighting a Fire when a fire ban is in place	\$250	\$500	\$1000
Deposit, discard or leave burning matter that may cause a fire	\$250	\$500	\$750
Provide false or misleading information	\$250	\$500	\$1000
Impede or obstruct persons extinguishing fires	\$250	\$500	\$1000
Damage or destroy Fire Dept. Property	\$500	\$1000	Court
False representation as a Member of Fire Dept. by any means	\$500	\$1000	Court
Drive over Fire Department Property	\$250	\$500	\$750
Obstruct access to hydrant or body of water	\$250	\$500	\$750
Obstruct persons providing Fire Protection Services	\$250	\$500	\$1000
Kindle an illegal or running fire	\$250	\$500	\$750
Light a fire without sufficient measure to control it	\$250	\$500	\$750
Light a fire under bad conditions	\$250	\$500	\$750
Conduct an activity that may cause a fire	\$100	\$250	\$500
Impeding vehicular and pedestrian traffic by smoke	\$250	\$500	\$1000

