

**BYLAW 818
OF THE VILLAGE OF BIG VALLEY
IN THE PROVINCE OF ALBERTA**

Being a Bylaw of the Village of Big Valley in the Province of Alberta, to provide for control of fires and the recovery of fire protection service costs.

WHEREAS, the Municipal Government Act, R.S.A. 2000, C.M-26, as amended, provides that the 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 Village of Big Valley;

AND WHEREAS, the Council of the Village of Big Valley hereinafter called the Village, wishes to regulate and control the use and setting of Fires within the Village;

AND WHEREAS the Council of the Village wishes to provide for the recovery of Fire protection service costs incurred by the Village;

NOW THEREFORE, the Municipal Council of the Village of Big Valley, in the Province of Alberta enacts a Bylaw referred to as the **“Fire Department Bylaw”**.

PART 1: Definitions

- 1) “ACCEPTABLE BURNING BARREL” means an outdoor receptacle that meets the following specifications:
 - a) A minimum of 3 meters clearance measured from the nearest edge to a building or other combustible materials;
 - b) Equipped with a mesh screen with openings no larger than 6 mm, secured in place with latches or weights;
 - c) Constructed of non-combustible materials; and
 - d) Not located over underground utility services or under aboveground wires.

- 2) “ACCEPTABLE FIRE PIT” means an outdoor receptacle that meets the following specifications:
 - a) A minimum of 3 meters clearance, measured from the nearest fire pit edge to the nearest edge of building, property line, or combustible materials;
 - b) A height not exceeding 0.6 meters when measured from the surrounding grade to the top of the pit opening;
 - c) Enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials; and
 - d) Not located over any underground utilities or under any aboveground wires.

- 3) “ALBERTA FIRE CODE” means the Alberta Fire Code 2014 as amended, or repealed and replaced from time to time.

- 4) "AUTHORITY HAVING JURISDICTION" means a safety codes officer in the fire discipline exercising authority pursuant to designation of powers and terms of employment in accordance with the Safety Codes Act.
- 5) "BURNABLE DEBRIS" means those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment.
- 6) "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 damage property.
- 7) "BYLAW OFFICER" means a Bylaw Enforcement Officer appointed by the Village of Big Valley under section 555 (1) of the *Municipal Government Act*.
- 8) "BYLAW TICKET" means a ticket or similar document issued by the Village pursuant to the *Municipal Government Act*.
- 9) "CAO" means that person appointed to the position and title by the Municipal Council of the Village of Big Valley and includes any person appointed by the Chief Administrative Officer to act as their appointee.
- 10) "COUNCIL" means the Council of the Village of Big Valley.
- 11) "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.
- 12) "EMERGENCY UNIT" means a fire truck, pumper truck, rescue truck, mobile command unit, brush truck, tanker, enforcement vehicle or other vehicle designated by Fire Department.
- 13) "FALSE ALARM" means any report of an Incident to the Fire Department or a Member whosoever received, which does not exist in fact.
- 14) "FIRE AGREEMENT" means the Fire Agreement between County of Stettler No. 6 and the Village of Big Valley as amended or renewed from time to time.
- 15) "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.
- 16) "FIRE DEPARTMENT OFFICER" means a Member appointed by the Regional Fire Chief as his or her designate to a supervisory position with the Fire Department.
- 17) "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.
- 18) "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.

- 19) "FIRE PROTECTION CHARGE" means any or all costs incurred by the Village of Big Valley as a result of the provisions of Fire Protection Services within the Village of Big Valley under Part 2 of this bylaw.
- 20) "FIRE PROTECTION SERVICES" means all aspects of Fire safety including 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.
- 21) "INCIDENT" means a fire, or a 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 Fire Department may respond.
- 22) "MEMBER" means any person who is a duly appointed member of Fire Department whether that member is full time, part time, paid or a volunteer.
- 23) "OPEN FIRE" means any fire which is not contained within an acceptable fire pit or burning barrel.
- 24) "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 within the Village of Big Valley.
- 25) "PORTABLE APPLIANCE" means any appliance sold or constructed for the purpose of cooking in the out of doors.
- 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 described as:
 - a) Animal cadavers;
 - b) Animal manure;
 - c) Chemicals and chemical containers;
 - d) Combustible material in automobiles;
 - e) Non-wooden material;
 - f) Paints and painting materials;
 - g) Pathological waste;
 - h) Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
 - i) Solid waste from sawmills or planing mills with an annual production in excess of 6500 cubic metres of lumber;
 - j) Tires;
 - k) Toxic substances;
 - l) Used oil; or
 - m) Wood or wood products containing substances for the purposes of preserving wood.
- 27) "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.
- 28) "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.
- 29) "RUNNING FIRE" means a fire burning without being under the control of any person.

PART 2: Services Provided

- 1) Services may be provided by 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) 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 Officer 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 the Village boundaries, on privately owned land or occupied public land, conditions that in the opinion of 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 and in a manner prescribed by Fire Department
- 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 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; and
 - d) Where the fees or charges are not paid, such fees or charges may be recovered in accordance with Municipal Bylaw 802.

PART 5: Permitted and Prohibited Fires

- 1) No person shall set, or cause to set, any Fire within the boundaries of the Village of Big Valley 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 the electrical wiring or equipment, asphalt roofing materials or hydrocarbons within the boundaries of the Village of Big Valley except as may be approved in writing by the Fire Department.
- 3) Subject to Part 6, a person may, on Property owned or controlled by them or within the Big Valley Centennial Campground, set a Recreational Fire, so long as that Recreational Fire is set within an Acceptable Fire Pit.
- 4) Subject to Part 6, a person may, on Property owned or controlled by them, set a fire in a burning barrel, so long as the fire is contained in an Acceptable Burning Barrel.
- 5) Subject to Part 6, 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.
- 6) When a Fire is set in contravention of Part 5 (1) to (5) or during a Fire Ban pursuant to Part 6, 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: Fire Bans

- 1) Village Council, the Chief Administrator Officer, Regional Fire Chief or their designated Officer may, from time to time, prohibit all Fires within the Village of Big Valley, including Recreational Fires when, in their discretion, the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 2) A Fire Ban imposed by Village Council, the Chief Administrative Officer, Regional Fire Chief or their designated Officer under Part 6 (1) shall be enforce either until the established date in a notice provided to the public pursuant to Part 6 (1), or until such time as Village Council, the Chief Administrative Officer, Regional Fire Chief or their designated Officer gives notice to the public that the Fire Ban has been lifted.
- 3) The Chief Administrative Officer shall give notice of the Fire Ban in effect by causing signs to be posted at the entrance roads to the Village of Big Valley.
- 4) When a Fire Ban is in place, no person shall ignite a Fire, or cause or allow a Fire to be ignited on their Property or Property under their control.

PART 7: Reporting of Fires

- 1) The owner or authorized agent of any property damaged by fire shall immediately report to the Fire Department particulars of the fire in a manner and detail satisfactory to 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 Fire Department particulars of the release in a manner satisfactory to Fire Department.

PART 8: 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 shall bill the Village of Big Valley for services according to the terms of the Fire Agreement.
- 2) Fire Department charges incurred by the Village of Big Valley, directly or indirectly, as a result of providing Fire Department Services within the Village of Big Valley's boundaries may be recovered by the Village from:
 - a) Any person causing or contributing to the Fire; or
 - 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.
 - 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 as 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 Big Valley:
 - 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 collected in accordance with Municipal Bylaw 802.

PART 9: Offenses / Restrictions

- 1) No person shall:
 - a) Contravene any provision(s) of this bylaw.
 - b) Deposit, discard or leave any burning matter or substance where it might ignite other material and cause a Fire.
 - c) Provide false, incomplete or misleading information to the Village of Big Valley or the Fire Department on or with respect to a Fire.
 - d) Impede, obstruct, or hinder a Member or Officer of a 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 designated 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 a Member from carrying out any function or activity related in any way to the provision of Fire Protection 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 or Burning Barrel without taking sufficient measures to keep such a Fire under control at all times.
 - l) Light a Recreational Fire or Burning Barrel 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 pursuant to Part 6.
 - 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, Burning Barrel 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 Act₂, R.S.A. 2000, c.H-7, as amended, or repealed and replaced 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 10: 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 "A" of this Bylaw. Where there is a contravention of this Bylaw and no specific penalty is stated in Schedule "A" 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 Big Valley for the entire cost of any type of emergency response and mitigation service required to bring the fire under control, whether Fire Department provided that service or by a third party person or agency; and
 - a) the Village may recover such fees or charges as a debt due and owing to the Village; or
 - 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 collected in accordance with Municipal Bylaw 802.
- 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) Where a contravention of this Bylaw is of a continuing nature, further Bylaw Tickets may be issued, provided that no more than one Bylaw Ticket shall be issued for each day that the contravention continues. Each calendar day constitutes a new and separate additional offence.
- 5) Where a Bylaw Ticket is issued pursuant to this Bylaw, the person or corporation to whom the Bylaw Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Bylaw Ticket, provided that such payment is made before the due date outlined on the Bylaw Ticket.
- 6) A Peace Officer or Bylaw Officer may issue a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, or may lay an information instead of issuing a violation ticket.
- 7) Any fine or penalty imposed pursuant to this Bylaw enures to the benefit of the Village.
- 8) 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 11: 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 12: Severability

- 1) Should any clause or part of this Bylaw be found to have been improperly enacted, for any reason, then such clause or part shall be regarded as being severable from the rest of this bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the clause or part found to be improperly enacted had not been enacted as part of this bylaw.

PART 13: Attachments

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

REPEAL

Bylaw 646 is hereby repealed by passage of this Bylaw.

Read a first time this 22nd day of October, 2015

Read a second time this 28th day of January, 2016

Read a third time and finally passed this ____ day of _____, 2016

Mayor

CAO

SCHEDULE "A"

	INFRACTION	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE
P-5. S. 2)	Burning Prohibited Debris	\$250	\$500	\$1000 or Court
P-5. S. 5)	Fire on municipal property without CAO permission	\$250	\$500	\$750
P-6. S. 4)	Lighting a fire when a Fire Ban is in place	\$250	\$500	\$1000
P-9. S. 1 b)	Deposit, discard or leave burning matter that may cause a fire	\$250	\$500	\$750
P-9. S. 1 c)	Provide false or misleading information	\$250	\$500	\$1000
P-9. S. 1 d)	Impede or obstruct persons extinguishing fires	\$250	\$500	\$1000
P-9. S. 1 e)	Damage or destroy Fire Dept. property	\$500	\$1000	Court
P-9. S. 1 f)	False representation as a Member of Fire Dept. by any means	\$500	\$1000	Court
P-9. S. 1 g)	Drive over Fire Department Property	\$250	\$500	\$750
P-9. S. 1 h)	Obstruct access to hydrant or body of water	\$250	\$500	\$750
P-9. S. 1 i)	Obstruct persons providing Fire Protection Services	\$250	\$500	\$1000
P-9. S. 1 j)	Kindle an illegal or Running Fire	\$250	\$500	\$750
P-9. S. 1 k)	Light a fire without sufficient measures to control it	\$250	\$500	\$750
P-9. S. 1 l)	Light a fire under bad conditions	\$250	\$500	\$750
P-9. S. 1 m)	Conduct an activity that may cause a fire	\$100	\$250	\$500
P-9. S. 1 n)	Impeding vehicular and pedestrian traffic by smoke	\$250	\$500	\$1000