

BYLAW 02-2021
FIRE SERVICES BYLAW

**A BYLAW OF THE TOWN OF BARRHEAD IN THE PROVINCE OF ALBERTA
ESTABLISHING FIRE SERVICES FOR THE TOWN OF BARRHEAD.**

WHEREAS, the Municipal Government Act, S.A. 2000, c. M-26, as amended, provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare and protection of people and property; and for services provided by or on behalf of the Municipality; and

WHEREAS, the Council desires to establish fire services within the Town of Barrhead and to provide for efficient operation of such;

AND WHEREAS, the Town of Barrhead has entered into an agreement with the County of Barrhead No. 11 to create the Barrhead Regional Fire Authority in order to provide fire and related services to both Municipalities;

NOW THEREFORE, Council of the Town of Barrhead in the Province of Alberta hereby enacts as follows:

Section 1 – Name of Bylaw

- 1.1 This Bylaw may be cited as the “Fire Services Bylaw”.

Section 2 – Definitions

- 2.1 In this Bylaw:

- a) “Burnable Debris” means materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment, and includes but is not limited to:
 - i. straw and stubble;
 - ii. grass and weeds;
 - iii. leaves and tree pruning;
 - iv. brush and fallen trees
- b) “CAO” means the Chief Administrative Officer of the Town.
- c) “Council” means the Council of the Town of Barrhead.
- d) “County” means the County of Barrhead No.11.
- e) “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 Regulation, as amended.
- f) “Emergency Vehicle” means a fire truck, pumper truck, rescue truck, ambulance, mobile command unit, brush truck, dangerous goods unit, Police Vehicle, Enforcement Officer Vehicle, tanker or other vehicle designated by the Fire Chief.
- g) “Enforcement Officer” means a Peace Officer, Bylaw Enforcement officer, RCMP, or any other person authorized by the Council of the Town of Barrhead to enforce the provisions of this bylaw.
- h) “False Alarm” means any fire alarm that is set off needlessly, through willful or accidental, human or mechanical error, and to which the Fire Services responds.

- i) “Fire Permit” means a permit issued by the Regional Fire Chief or his designate.
- j) “Fire Pit or Fire Place” means an outdoor receptacle used for a recreational fire.
- k) “Fire Services” means the Barrhead Regional Fire Department and includes all equipment, apparatus, materials, and supplies including administration duties.
- l) “Free Burning/Out of Control/Running Fire” means a fire burning without being under the control of any person.
- m) “Hired Services” means any person or persons, equipment, materials, personal or professional services hired to assist the Barrhead Regional Fire Services.
- n) “Incident” means a fire or any other situation presenting a danger or possible danger to life or property and to which the Regional Fire Services has responded.
- o) “Incinerator Fire” means a fire that is set for the purpose of burning refuse (except plastic products) confined within a non-combustible structure or container that has the draft and smoke vents covered with a metal screen having a mesh size not larger than 13 millimeters and which is ventilated in such a manner as to preclude the escape of combustible materials including ash.
- p) “Member” means any person who is a member of the Regional Fire Services whether that member is full time, part time, paid, volunteer or recruited.
- q) “Mutual Aid” means reciprocal assistance by emergency services under prearranged agreement.
- r) “Open Fire” means any fire which may include grass, brush, structures, wood scrap and chattel fires.
- s) “Portable Appliance” means any appliance sold or constructed for the purpose of cooking food outdoors.
- t) “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: animal cadavers; manure; chemicals and chemical containers; combustible material in automobiles/bodies; household refuse; non-wooden material; paints and painting materials; pathological waste; rubber or plastic; tires; toxic substances/products; used oil;
- u) “Quality Management Plan” means a plan approved by the Alberta Safety Code Council, the Town of Barrhead, the County of Barrhead and the Summer Village of Burch Cove for actions needed for Safety Codes Act compliance in all three municipalities.
- v) “Regional Fire Chief” means the head of Barrhead Regional Fire Services or designate.
- w) “Safety Codes Officer” means a Safety Codes Officer in the Fire Discipline.
- x) “Town” means the Town of Barrhead.

- y) “Violation Tag” means a tag or similar document issued by the Town pursuant to the Municipal Government Act, S.A. 2000 c. M-26.

Section 3 – Fire Services

- 3.1 Fire Services shall be provided for the purposes of:
- a) preventing and extinguishing fires;
 - b) investigating the cause of fires in accordance with the Fire Quality Management Plan;
 - c) preserving life and property from injury or destruction by fire;
 - d) providing rescue services within the confines of capabilities;
 - e) preventing, combating and controlling incidents;
 - f) carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Fire Quality Management Plan;
 - g) entering into agreements with other Municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment; and emergency vehicles;
 - h) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property; and
 - i) enforcing the provisions of the most current Alberta Fire Codes, Alberta Building Codes and Safety Codes Act (Fire Discipline) and its regulations;
 - j) setting of fires by the Fire Services to clear vegetation;
 - k) setting of fires by the Fire Services for Training purposes.
- 3.2 The Regional Fire Chief where applicable, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Services including:
- a) use, care, maintenance and protection of fire department property,
 - b) the conduct and discipline of officers and members of the Fire Department,
 - c) efficient operations of the Fire Services.

Section 4 – Hindrances and Obstructions

- 4.1 No person shall impede, obstruct or hinder a member of the Fire Services or other person assisting or acting under the direction of the Regional Fire Chief.
- 4.2 No person shall damage or destroy Fire Services apparatus or equipment.
- 4.3 No person shall obstruct any authorized person from carrying out duties imposed by this by law.
- 4.4 No person shall falsely represent themselves as a Fire Services member.
- 4.5 No person shall obstruct or otherwise interfere with any access to any fire alarm, fire hydrant, or other item designated for firefighting purposes.
- 4.6 No outdoor incinerators or burn barrels will be permitted within the Town limits unless approval has been granted by the Regional Fire Chief or his designate.

- 4.7 No grass or ground fires will be permitted within the Town limits unless supervised by the Regional Fire Services.

Section 5 – Designated Officers and Other Authorities

- 5.1 The Regional Fire Chief may appoint other officers and members as the Regional Fire Chief deems necessary.
- 5.2 The Regional Fire Chief may appoint other officers of the Fire Services to act as Regional Fire Chief in his absence.
- 5.3 Council hereby delegates the following authority to the Regional Fire Chief:
- a) to enter on any land or premises, including adjacent land or premises, to combat, control or deal with an incident in whatever manner is deemed necessary;
 - b) to issue permits, invoices for services provided, and any other document for the efficient operation of fire services;
 - c) to enforce the provisions of this and other applicable bylaws;
 - d) to seek the assistance of any department or official of the Town, as deemed necessary to:
 - i. assist in extinguishing a fire, removing articles 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.
 - e) to commandeer privately owned equipment considered necessary to deal with an incident;
 - f) to control, direct and manage any Fire Services apparatus, equipment or manpower assigned to an incident;
 - g) take responsibility for all fire protection matters including the enforcement of the Safety Codes Act and regulations and other issues requisite with a Safety Codes Officer;
 - h) Establish incident boundaries and restrict attendance therein to those duly authorized and request an enforcement officer to enforce those restrictions.
- 5.4 Prior to a new commercial business opening to the public a fire safety inspection of the premises will be required by the fire service.
- 5.5 Fire inspections will be at no cost to the business.
- 5.6 The Regional Fire Chief may assist the CAO in negotiating with the Provincial Government, other Municipalities and persons in establishing mutual aid agreements and fire control agreements.

Section 6 – Where a Fire Permit is not required

- 6.1 A Barbecue/Fire Pit provided that:
- a) it is located at least 3.05 metres from any building, property line or combustible material;
 - b) the opening does not exceed 1 metre in width or in diameter;
 - c) the installation has enclosed sides made from a non-combustible material;

- d) it has a spark arrester mesh screen cover with an opening no larger than 1.25 cm; and
 - e) the fire pit is not located over any underground utilities or under any aboveground wires;
 - f) the cooking of food using a portable appliance;
 - g) burning in fireplaces in or attached to a dwelling as provided by legislation;
 - h) burning in Town owned campgrounds and parks where fireplaces, stoves or fire pits are provided by and approved by the Town.
- 6.2 Every person who builds, ignites or allows a fire in an approved fire pit must ensure that:
- a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - b) the flames from the fire do not exceed 1 metre in height at any time;
 - c) the fire is not left unsupervised at any time; and
 - d) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

Section 7 – Fire Hazard

- 7.1 In this part a fire hazard, means a possible source of danger or risk of injury or harm by fire to a person or property.
- 7.2 Where the Regional Fire Chief determines a fire hazard to exist, he may order the owner or occupant to reduce or remove the hazard within a fixed time.
- 7.3 Where an owner or occupant fails to comply with an order, the owner shall be liable for all expenses and costs should the Town undertake the required work and in default of payment, the amount owed shall be a lien against the land and shall be collected in like manner as property taxes.

Section 8 – Fire Ban

- 8.1 Notwithstanding any provision of this or any other Bylaw, the Regional Fire Chief may declare either a partial or complete ban on burning of any kind within the Town limits.
- 8.2 When determining whether to declare a complete ban on burning, the Regional Fire Chief may take into consideration any or all of the following factors:
 - a) the air quality index
 - b) levels of recent precipitation
 - c) water shortages or restrictions
 - d) availability of fire fighters and firefighting equipment
 - f) the overall fire danger in the area
- 8.3 No person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Regional Fire Chief.
- 8.4 A person who fails to comply with the ban is guilty of an offence and subject to a penalty.

Section 9 – Requirement to Report

- 9.1 The owner or designate of any property damaged by fire or which sustains an accidental or unplanned release of a dangerous good(s) product shall immediately report particulars of such to the Regional Fire Chief's office.

Section 10 – Recovery of Costs

- 10.1 Fire Services costs invoiced for, but not limited to the following will be pursuant to policy 23-17-0003 or as amended: hired services; site inspections; investigations; administrative services; permits to sell, purchase or discharge fireworks; fuel tank installation/removal; responses to a false alarm; and hired services.
- 10.2 Fire Services response costs within the Town for the purpose of preserving life or property from injury or destruction by fire or other incident may be charged to:
- a) the person who caused the incident or;
 - b) the owner or the person in possession of the land where the incident occurred;
or
 - c) the owner of a chattel type property where the person in possession and control of such is not located on privately owned land.
- 10.3 In default of payment of any of the referenced fees or costs the Town may charge such against the land and make collection in like manner as taxes due and owing in respect of that land.

Section 11- False Alarms:

- 11.1 When the Fire Department responds to a structure where an intentional misuse and activation of a pull system of defection device has taken place:
- a) Where three or more false alarms have taken place within a 12-month period the Regional Fire Chief may charge a fee as set out in Policy 23-17-003, the Barrhead Fire Services Response rates.
- 11.2 In the event the fire department must forcibly enter a premise due to the false alarm all costs incurred to secure the build shall be paid by the owner/ occupier of the property.
- 11.3 The following shall not be included when computing the number of false alarms calls pursuant to Section 11.1(a):
- a) A false alarm where the owner can demonstrate was caused by a storm, lighting or other natural occurrence.
 - b) A false alarm caused by a communication network disruption beyond the control of the alarm owner, or designate.
 - c) A false alarm that occurs during the first seven days of the installation of a new alarm system.

Section 12 – Offences

- 12.1 No person shall:
- a) kindle a fire and let it become a Running Fire;
 - b) light an Open Fire, Fire Place fire, Incinerator Fire or Fire Pit fire when the weather conditions are conducive to creating a Running Fire or when a fire prohibition state exists;

- c) burn Prohibited Debris, dangerous goods, or material that will result in the production of dense black smoke such as insulation from electrical wiring or equipment, asphalt roofing materials or hydrocarbons except as may be approved in writing by permit;
 - d) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
 - e) conduct any activity that involves the use of fire or that creates potential sources of fire ignition, which might reasonably be expected to cause a Running or Open Fire;
 - f) interfere with the efforts of persons authorized to extinguish fires or preserve life or property;
 - g) damage or destroy any Fire Services property;
 - h) falsely represent themselves as a Fire Services Member.
- 12.2 When a fire is caused without the appropriate permit, the owner or occupier of the land or the person having control of the land must:
- a) extinguish the fire immediately; or
 - b) report the fire to Fire Services for assistance.
- 12.3 Nothing in this Bylaw is to be interpreted to authorize any fire, burning or other act which is in contravention of the Environmental Protection and Enhancement Act, S.A. 2000, c. and regulations and amendments thereto.
- 12.4 Any party charged with an offense or recovery of cost shall have the right to appeal by presenting the case first to the Regional Fire Chief, then the CAO, followed by the Town Council. The appeal shall be in writing and set out succinctly the details and information supporting the appeal. For matters of cost recovery the Council decision shall be final.

Section 13 – Penalties

- 13.1 A person who contravenes by commission or omission the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention of this by-law, is guilty of an infraction, and upon summary conviction is guilty of an offence and is liable to a fine in the amount of:
- a) \$250.00 for the first offence; and
 - b) \$500.00 for the second and subsequent offence.
- 13.2 Where a person:
- a) contravenes this Bylaw, that person may be liable for the entire cost of any type of emergency response and mitigation service required to bring the situation under control, whether that service was provided by Fire Services or the Town or by a third-party person or agency; and
 - b) the Town may recover such fees or charges as a debt due and owing to the Town in like manner as property taxes; or
 - c) in the case of action taken by the Fire Services in respect of land within the Town, where the fees or charges are in default of payment, such fees or charges may be charged against the land and collected in likeness of taxes owing in respect of that land.

- 13.3 A Violation Tag may be issued:
- a) either personally; or
 - b) by mailing a copy to the last known address of the offender(s).
- 13.4 Where a contravention is of a continuing nature, further Violation Tags may be issued for each day that the contravention continues and each further Tag constitutes a new and separate additional offense.
- 13.5 In lieu of being prosecuted for the offence, the Violation Tag recipient may pay to the Town the penalty specified on the Violation Tag, provided that such payment is made before the initial court appearance date.
- 13.6 Nothing in this Bylaw shall prevent the immediate issuing of a summons pursuant to Part II of the Provincial Offences Procedures Act, S.A. 2001, c.P-21.5, as amended, for the mandatory Court appearance of any person who contravenes this Bylaw.
- 13.7 Any fine or penalty imposed pursuant to this section inures to the benefit of the Town.

Section 14 – Appeal Process

- 14.1 In the event that the owner or occupier feels aggrieved by any action taken by the Fire Chief, they shall have a period of thirty (30) days from the date of mailing of the notice to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the owner or occupier of the property.

Section 15 – Severability

- 15.1 All sections of this Bylaw are separate and severable. Should any section or part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

Section 16

- 16.1 This bylaw shall come into force upon third and final reading.
- 16.2 Bylaws 5-2007, 10-2008 & 03-2015 and amendments thereto are hereby repealed.

Section 17 – Indemnification

- 17.1 The Regional Fire Chief or any member of the Fire Services, Town officials both elected or appointed, or any employee acting in good faith in the discharge of his duties, shall be indemnified and held harmless from all personal liability for any damage that may accrue to persons or property as a result of any act or omission in the discharge of their duties.
- 17.2 The Town, as both an accredited municipality and agency, acting in good faith is not liable for any damage caused by decisions related to the system of inspections examinations, evaluations and investigations, including decisions relating to their frequency and the manner in which they are carried out.
- 17.3 The Town is not liable for any negligence or nuisance caused by the mutual aid partner services of an accredited agency or hired a service that causes an injury, loss or damage to any person or property.

Read a first time this 9th day of February, A.D., 2021.

TOWN OF BARRHEAD

Mayor, Dave McKenzie

CAO, Edward LeBlanc

Read a second time this 9th day of February, A.D., 2021.

TOWN OF BARRHEAD

Mayor, Dave McKenzie

CAO, Edward LeBlanc

Read a third time this 9th day of February, A.D., 2021 and passed.

TOWN OF BARRHEAD

Mayor, Dave McKenzie

CAO, Edward LeBlanc