

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 1401

A Bylaw of the County of St. Paul No. 19, hereafter referred to as the "Fire Protection Bylaw", to provide for the establishment and operation of a Fire Department, and for the regulating and controlling of forest and prairie fires, fire hazards and open air fires.

WHEREAS Section 7 of the Municipal Government Act, R.S.A., provides that the Council of a Municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property, and

AND WHEREAS Section 5 of the *Municipal Government Act* provides that a municipality has the powers, duties and functions given to it under the *Municipal Government Act* and other enactments;

AND WHEREAS Section 203 of the *Municipal Government Act* provides that Council may by bylaw delegate any of its powers, duties or functions to a Chief Administrative Officer, and whereas Section 209 of the *Municipal Government Act*, provides that a Chief Administrative Officer may delegate any of his powers, duties or functions to a designated officer or an employee of the municipality;

AND WHEREAS Section 551 of the *Municipal Government Act* provides that a municipality may take whatever actions or measures are necessary to eliminate an emergency, and the expenses and costs of the actions or measures, including the remuneration to any person providing labour, services, equipment or materials are an amount owing to the municipality by the person who caused the emergency;

AND WHEREAS Section 553 of the *Municipal Government Act* provides that Council may add unpaid expenses, costs and remuneration necessary to eliminate the emergency which are owing to the municipality to the tax roll of a parcel of land if the parcel's owner caused the emergency and the cause of the emergency was located on all or a part of the parcel;

AND WHEREAS Section 553(1)(g) of the *Municipal Government Act* provides that a municipality may make the owner of a parcel of land liable for the cost and expenses related to the municipality for extinguishing fires on a parcel of land, unpaid costs and expenses for extinguishing fires on the parcel of land and those costs may be added to the tax roll of the parcel of land;

WHEREAS the Forest and Prairie Protection Act, R.S.A., 1980, c. F-10.1, as amended, provides certain discretionary and mandatory powers to enable a municipality to carry out and enforce the provisions of the Forest and Prairie Protection Act within its boundaries as applicable; and

WHEREAS the Council for County of St. Paul No. 19 considers it necessary to establish a Fire Department for the prevention of and the extinguishing of fires, fire hazards and other related matters, and

WHEREAS the Council for County of St. Paul No. 19 considers it necessary to establish regulations, controls, and processes for preventing controlling and fighting forest and prairie fires and fire hazards.

AND WHEREAS the County of St. Paul No. 19 deems it necessary and expedient to provide a fee for service for the provision of certain services and to provide for fair and just recovery of those costs and expenses;

NOW THEREFORE, the Council for County of St. Paul No. 19, in the Province of Alberta, duly assembled, does hereby enact as follows:

TABLE OF CONTENTS

Part A. Geographical Application of Bylaw

Part B. Definitions

Part C. Fire Department

1. Establishment of Fire Department
2. Appointment of Officers
3. Jurisdiction
4. Responsibility and Authority
5. Prohibitions
6. Recovery of Costs

Part D. Forest and Prairie Protection

7. Application of Bylaw
8. Procedural Guidelines (see Schedule "A")
9. Delegation of Powers
10. Controlling of Fires and Fire Hazards
11. Fire Fighting
12. Outdoor Fires
13. Prohibitions
14. Fire Permits
15. Suspension or Cancellation of Fire Permit
16. Open Air Fires & Fire Control Orders
17. Entry on Lands and Premises
18. Investigation of Cause, etc., of Fire

Part E. Co-ordinated Activities

19. Forest & Prairie Incidents

Part F. General Matters

- 20. Offences and Penalties
- 21. Liabilities of County Representatives
- 22. Fire Control Agreements
- 23. Severability
 - Form 1
 - Schedule "A"

This Bylaw may be cited and referred to as the **"Fire Protection Bylaw"**.

PART A. GEOGRAPHICAL APPLICATION OF BYLAW

This Bylaw applies within the geographical boundaries of the County of St. Paul No. 19 to such extent as a Bylaw respecting fires may be passed in accordance with s. 75 of the Municipal Government Act, or its successor. For greater certainty, but not so as to restrict the generality of the foregoing, this Bylaw applies to any part of a Hamlet within a forest protection area in County of St. Paul No. 19.

PART B. DEFINITIONS

In this Bylaw, words and phrases shall be construed as specified hereunder:

"Apparatus" - means any vehicle provided with machinery: or devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

"Council" - means the Council for County of St. Paul No. 19.

"County" - means the Municipality of the County of St. Paul No. 19, in the Province of Alberta.

"County Administration" – means the Chief Administrative Officer, any designated officer, the Fire Coordinator and any other County employee(s) so delegated by the Chief Administrative Officer or by a designated officer.

"District Fire Department" – means the Fire Chief and Volunteer Fire Department members within a Fire Protection District.

"Emergency" - means a fire, fire hazard or any other situation or circumstances that presents imminent or immediate danger to persons or property.

"Equipment" - means any tools, contrivances, devices or materials used to combat an incident or other emergency.

"False Alarm" – means any fire alarm that is sent out needlessly, through willful human or mechanical error, and to which a District Fire Department responds.

"Fire Chief or District Fire Chief" - means an individual appointed as head of a Fire Protection District.

“Fire Department” – means the combined District Fire Departments.

“Fire Guardian” - means the Reeve, Chief Administrative Officer, or Fire Coordinator or such other persons as Council shall appoint to perform such functions as are set forth in this Bylaw, which are consistent with the Forest and Prairie Protection Act.

“Fire Hazard” - means a situation which threatens the preservation of life and property from injury and/or destruction by fire, including all fire aspects, but not limited to heat, smoke, health issues, ignition sources and dangerous situations and or the potential thereof to the public.

“Fire Permit” - means a Fire Permit issued pursuant to this Bylaw.

"Fire Protection" - means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development.

“Fire Protection District” - means area of fire protection as set by Council from time to time.

"FPPA" - means the Forest and Prairie Protection Act, as amended from time to time.

"Incident" - means a fire, a situation where a fire or explosion is imminent, a motor vehicle accident or any other situation presenting a danger or possible danger to life or property and to which one of the District Fire Departments has responded.

"Member" - means any person that is a duly appointed volunteer member of the Fire Department District.

“Open Air Fire” means an outdoor fire within the geographic boundaries of the county where the flames of the fire are exposed to the air or the atmosphere and includes a camp fire, fire contained in a pit, grass fire, brush fire, a fire for the burning of coal, wood or other burnable substance, a fire which burns any burnable materials such as straw, stubble, leaves, brush, wood, shavings, saw dust, wood, gas and oil and a fire which burns any combustible substance, but does not include a barbeque.

“Person” includes an individual, a partnership and a corporation.

“Violation Tag” - means a tag or similar document issued by County of St. Paul No. 19 pursuant to the *Municipal Government Act*.

“Violation Ticket” - means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and regulations thereunder.

PART C. FIRE DEPARTMENT

1. Establishment of Fire Department District

The Council hereby establishes a Fire Department District in County of St. Paul No. 19 consisting of two District Fire Departments, Mallaig, Ashmont and such other District Fire Departments as may be created from time to time by Council.

2. Appointment of Officers

- 2.1 Council shall appoint a Fire Chief for Mallaig and Ashmont by resolution, from time to time.
- 2.2 Other officers and members may be appointed to a District Fire Department by the Fire Chief of that Fire Protection District.
- 2.3 The Fire Chief may delegate other members of the District Fire Department of which he is Chief, to act as Fire Chief on his behalf.

3. Jurisdiction

- 3.1 The Council may establish additional Fire Protection Districts, from time to time.
- 3.2 The limits of the jurisdiction of the Fire Chief, and the officers and members of each District Fire Department will extend to the area and boundaries of the Fire Protection District to which they are appointed.
- 3.3 No part of the fire apparatus shall be used beyond the limits of the County without the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the County boundaries.
- 3.4 Each District Fire Department shall respond to all incidents and/or emergencies within its Fire Protection District insofar as it is possible and shall further respond to incidents in other Fire Protection Districts in the absence of, unavailability of, or in assistance to another District Fire Department of the County.

4. Responsibility & Authority

- 4.1 Each Fire Chief has complete responsibility and authority over the District Fire Department to which he is appointed, subject to the direction and control of the Fire Coordinator to whom he shall report and be responsible, and in particular he shall be responsible to carry out all fire protection activities and such other activities as the Fire Coordinator, or in his absence, the C.A.O. directs.

- 4.2 Fire services shall be provided by the District Fire Departments for the purposes of, but not limited to:
- i. preventing and extinguishing fires or limiting fires to a non-threatening state;
 - ii. preserving life and property and protecting persons and property from injury or destruction by fire;
 - iii. providing rescue services;
 - iv. preventing, combating and controlling incidents;
 - v. carrying out preventable patrols, pre-fire planning and fire inspections;
 - vi. investigating the cause of fires;
 - vii. services pursuant to agreements between County of St. Paul No. 19 and other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
 - viii. operating apparatus and equipment for extinguishing fires or preserving life and property.
- 4.3 Each Fire Chief, subject to the ratification by the Council, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of his District Fire Department, including:
- (a) Use, care and protection of Fire Department property;
 - (b) The conduct and discipline of officers and members of the District Fire Department; and
 - (c) The efficient operation of the District Fire Department.
- 4.4 The Fire Chief of a District Fire Department, or in his absence, the individual delegated to act as Fire Chief and in the absence of such delegate, the senior ranking District Fire Department member present, shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident within the Fire Protection District of that Fire Chief and, where a member is in charge, he shall continue to act until relieved by the District Fire Chief.
- 4.5 Officers and members of each District Fire Department shall carry out duties and responsibilities assigned to the District Fire Department, and the District Fire Chief shall report to the Public Services Manager or designate on the operations of the District Fire Department or on any other matter in the manner designated by the C.A.O.
- 4.6 The District Fire Chief, or any other member in charge at a fire is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he/she deems it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.7 The District Fire Chief, or any other member in charge at an incident, is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the District Fire Department to enter as he deems necessary, in order to combat, control or deal with the incident.

- 4.8 The District Fire Chief, or the member in charge at an incident may, at his discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
- 4.9 The District Fire Chief, or the member in charge at an incident may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 5.8.
- 4.10 The District Fire Chief, or the member in charge at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the District Fire Department and the apparatus and equipment of the District Fire Department to enter or pass through or over the building or property, where he deems it necessary to gain access to the incident or to protect any person or property.
- 4.11 The District Fire Chief may obtain assistance from employees of the County, as he deems necessary, in order to discharge his duties and responsibilities under this Bylaw.
- 4.12 The District Fire Chief, or the Fire Coordinator or the member in charge of an incident may:
- 3) Require persons who are not members to assist in extinguishing a fire, removing items 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.
 - b) Commandeer privately owned equipment, which he considers necessary to deal with an incident.
 - c) Enter private property for the purpose of accessing water sources and/or other resources he considers necessary to deal with an incident.
 - d) Hire privately owned equipment which he/she considers necessary to deal with an incident.

5. Prohibitions

- 5.1 No person at an incident shall impede, obstruct or hinder a member of the District Fire Department or other person assisting or acting under the direction of the District Fire Chief or the member in charge.
- 5.2 No person shall enter the boundaries or limits of an area prescribed in accordance with Section 5.8, unless he has been authorized to enter by the District Fire Chief or the member in charge.
- 5.3 No person shall damage or destroy District Fire Department apparatus or equipment.
- 5.4 No person at an incident shall drive a vehicle over any equipment without permission of the District Fire Chief or the member in charge.

- 5.5 No person shall obstruct a member from carrying out duties imposed by this Bylaw.
- 5.6 No person shall falsely represent themselves as a District Fire Department member or wear or display any District Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- 5.7 No person shall obstruct or otherwise interfere with access roads, streets or other approaches to any fire alarm, fire hydrant, cistern or body of water or any connections provided to a fire main, pipe, standpipe, sprinkler system, cistern or other body of water.

6. Recovery of Costs

- 6.1 Costs may be incurred by County of St. Paul No. 19 for extinguishing fires or providing fire services within County of St. Paul No. 19 including costs of apparatus, equipment and consumables. Council may charge all costs incurred by the County of St. Paul No. 19 for the purposes of extinguishing fires or providing fire services to the person who caused the fire, the owner of the land on which the fire occurred, the occupier of the land on which the fire occurred, or the owner of a Vehicle in which a fire occurred;
- 6.2 Where the County has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident in or outside the County or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside the County, including any action taken by the Department on a false alarm, the County may, in respect of any costs incurred by the County in taking such action, charge any costs so incurred to the owner or occupant of the land in respect of which the action was taken or charge a minimum fee of three hundred (\$300.00) dollars.
- 6.3 The following fee schedule may apply when a District Fire Department responds to an incident and fire protection Apparatus or other equipment or resources are used in responding to incidents, the extinguishing of fires or the preserving of life or property from injury or destruction by fire:
- a) the sum of two hundred and fifty (\$250.00) dollars for each hour or fraction thereof for each firefighting vehicle owned by the Supplying Party (excluding command cars or other similar support vehicles) to include two (2) firefighters per unit;
 - b) each additional firefighter (excluding the two (2) firefighters per unit) at twenty (\$20.00) dollars per hour or portion thereof;
 - c) County resources - at the applicable County rates
 - d) Any private equipment commandeered or otherwise required by the District Fire Chief or member in charge B at such rates as are established by the Alberta Road Builders and Heavy Construction Association Equipment Rental Rates Guide as amended from time to time or in the absence of such rates, at rates which are set by Council.

- 6.4 If the owner or occupant of the land on which a District Fire Department has provided or performed the services refuses or fails to pay an account issued pursuant to Part 6.1 , or if the account is in arrears for sixty (60) days or more, the County may recover the costs as a debt due to the County, or, at the County's option, may add the amount to the tax roll, charging the land therefore and collect it in the same manner as taxes due.
- 6.5 When a District Fire Department responds to a call out and it is a false alarm and does not require a response, the person responsible for initiating the call out may be billed at the discretion of the County Administration.
- 6.6 In the event that the owner or occupant of any land within the County disputes the amount of an account issued under Part 6.1 , such owner or occupant shall have a period of thirty (30) days from the date of mailing of the account to appeal the amount of the account and to Council and the decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and shall not be subject to any further appeal.

PART D. FOREST AND PRAIRIE PROTECTION

7. Application of Bylaw

- 7.1 This Part applies to all land within County of St. Paul No. 19, in the Province of Alberta in so far as it does not contravene the provisions of the FPPA, except
- (1) land within the boundaries of a village, town or city
 - (a) lands controlled by Alberta Sustainable Resources as indicated as the Forest Protection Area. (For Wildland Fire Protection only).
- 7.2 Fire Season - The entire calendar year in each year is the fire season for the purposes of this Part. Fire Permits are required for burning year around.

8. Procedural Guidelines

The Council may, by resolution adopt and/or amend procedural guidelines, from time to time, with respect to the Administration of this bylaw, the most recent copy of which shall be attached to and be identified as Schedule "A" of this bylaw.

9. Delegation of Powers

- 9.1 A fire coordinator may, delegate all or part of his authority under this bylaw or under the FPPA, from time to time, to any County employee, approved by the CAO and Council, either in relief or due to emergency, to efficiently and effectively carry out the work.

10. Controlling of Fires and Fire Hazards

- 10.1 The owner or the person in control of any property on which there is a fire or fire hazard which is not an emergency shall report it forthwith to the County Administration or a fire guardian. Upon being informed or otherwise discovering the circumstances noted, a fire guardian shall forthwith report the matter to the County Administration. An emergency situation shall be reported to the Fire Department through E-9-1-1.
- 10.2 When a Fire Hazard or Emergency exists, or it is necessary to fight, extinguish or control a fire, the Chief Administrative Officer or fire coordinator may take whatever actions or measures are necessary to rectify or eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire, including, but not limited to:
- (a) Providing County services, equipment, labour and materials to eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire;
 - (b) Retaining persons to provide labour, services, equipment or materials to the County for the purpose of taking steps to eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire;
 - (c) Temporarily closing a road which the County has the direction, control and management of until the Fire Hazard, Emergency or fire is eliminated;
 - (d) Erecting signage or taking any other action to warn people about the Fire Hazard, Emergency or fire;
 - (e) Entering land or a structure at any reasonable hour, and carrying out inspection, enforcement or action required to eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire, or to take immediate steps to eliminate the situation;
 - (f) Requesting an owner or occupant of land or a structure to produce documents or do anything that will assist the Chief Administrative Officer in the inspection, enforcement or action required to eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire, or to take immediate steps to eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire, and the Chief Administrative Officer may make copies of any documents produced;
 - (g) Ordering an owner or occupant of land to take necessary steps to eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire in a manner and within a time specified by the Chief Administrative Officer (see Form 1, attached hereto);
 - (h) Ordering the necessary steps to be taken to eliminate the Fire Hazard, Emergency or to fight, extinguish or control the fire caused on land or a structure if the owner or occupant of the land or structure fails to abide by the Order of the Chief Administrative Officer.

- 10.3 The owner or the person in control of the land on which work was performed pursuant to section 10.2(h) shall on demand reimburse the County for the cost of the work performed and in default of payment, the County has a lien for the amount against the land and improvements on it.

11. Fire Fighting

- 11.1 The County Administration may, of their own accord or in co-operation with a District Fire Department or other emergency services, subject to the provisions of section 23 herein:

- (a) require any able-bodied adult person not exempted by regulations to assist in fighting a fire.
- (b) commandeer and authorize payment for the possession or use of any equipment for the purpose of fighting a fire.

12. Outdoor fires

- 12.1 No person shall light or cause to be lit an outdoor fire during the fire permit season on land in a permit area unless that person is the holder of a subsisting fire permit.
- 12.2 No person shall during a fire permit season allow any outdoor fire that is not authorized by a permit issued to him on land that is
- (a) in a permit area, and
 - (b) owned or occupied by him or under his control.
- 12.3 A person who during a fire season knows or has reason to believe that there is an outdoor fire, not authorized by a permit issued to him, on land that is within a permit area and is owned or occupied by him or under his control, shall
- (a) extinguish the fire, or
 - (b) if he is unable to extinguish the fire, immediately report the fire to the County Administration, a fire guardian, a member of the Royal Canadian Mounted Police or to the E-9-1-1 Service.
- 12.4 This section does not apply to an attended outdoor camp fire which has been lit for cooking or warming purposes.

13. Prohibitions

No person shall

- (a) light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times,
- (b) light an outdoor fire when weather conditions are conducive to a fire readily escaping out of control,

- (c) fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than his own,
- (d) deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire,
- (e) conduct any activity that involves the use of fire or that might reasonably be expected to cause a fire, unless he/she exercises reasonable care to prevent a fire from occurring,
- (f) light or cause to be lit a fire on lands owned or controlled by the County except with the County's express written consent or in specifically designated or approved areas.

14. Fire Permits

- 14.1 A fire guardian may, at his discretion, issue to an applicant a fire permit in respect of any land to which this bylaw applies within the boundaries of the area for which he was appointed. In issuing a permit, a fire guardian shall give due consideration to the "procedural guidelines" noted herein Schedule AA@, which may be amended from time to time by Resolution of Council.
- 14.2 A fire permit is valid only for the period for which it is issued.
- 14.3 A fire guardian issuing a fire permit may endorse on the permit any special fire control conditions with which the applicant must comply in addition to those standard conditions noted thereon.

15. Suspension or Cancellation of Fire Permit

- 15.1 A fire permit may be suspended or cancelled at any time by a fire guardian, who shall immediately communicate the suspension or cancellation to the person to whom the permit was issued, and the County Administration. On receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his permit.
- 15.2 Should a fire guardian be unsatisfied with the efforts observed in complying with a permit cancellation or meet with opposition from the owner and/or the person in control of the land, a fire coordinator shall forthwith notify the County Administration who will initiate whatever actions are necessary to enforce the provisions of this bylaw.

16. Open Air Fires and Fire Control Orders

- 16.1 No person shall permit an Open Air Fire upon land owned, occupied, or which is under his or her control within the County, unless such Open Air Fire is permitted under the *Forest and Prairie Protection Act*, R.S.A. 1980, c. F-14, as amended (hereafter "*Forest and Prairie Protection Act*"), and the fire does not cause a Fire Hazard or Emergency.
- 16.2 Every person who causes or is responsible for an Open Air Fire shall ensure, as far as it is reasonably practicable for him or her to do so, that:
- (a) The Open Air Fire is controlled at all times;
 - (b) Sufficient precautions are taken keep the Open Air Fire under control at all times;
 - (c) The Open Air Fire does not become out of control at anytime;
 - (d) The Open Air Fire does not directly or indirectly cause unsafe or unhealthy conditions;
 - (e) The Open Air Fire does not cause a Fire Hazard;
 - (f) The Open Air Fire does not create an Emergency.
- 16.3 For the purpose of fire control, the County Administrator and/or his designate may:
- (a) suspend or cancel within any part or all of the County all fire permits, or
 - (b) prohibit the lighting or require the extinguishing of an outdoor fire set other than under the authority of a fire permit, or
 - (c) provide special conditions for outdoor fires set due to weather conditions.
- 16.4 The order made pursuant to subsection (1) may be immediately published by the ration station considered by the County most likely to bring the matter to the attention of the public, and in the next edition of the local newspaper, at the discretion of the County Administrator.
- 16.5 In an area affected by an order made pursuant to subsection (1), every person shall immediately proceed to extinguish every open outdoor fire lit by him or under his authority and every fire located on land occupied or owned by him.

17. Entry on Lands and Premises

- 17.1 The County Administration or fire personnel may without a warrant enter on any land and premises for the purpose of discharging its duties under this bylaw or the FPPA, or the regulations.

18. Investigation of Cause, etc., of Fire

- 18.1 The County Administration or designate may investigate the cause, origin and circumstances of any forest or prairie fire, hazard or incident under the Forest and Prairie Protection Plan.
- 18.2 Without limiting subsection (1), a person making an investigation under subsection (1) may, without a warrant, for the purposes of the investigation,
- (a) enter on any land or premises at any reasonable time, accompanied by any person or bringing with him any thing that he considers would be of assistance in making the investigation,
 - (b) perform or have performed any tests he considers necessary on the land or premises or anything on them, and
 - (c) remove anything from the land or premises
 - (i) that is reasonably pertinent to the matter under investigation, or
 - (ii) that the investigator considers, on reasonable and probable grounds, is or may be evidence of the commission of an offence against this bylaw and/or the FPPA..
- 18.3 The investigator shall, on or before the completion of the investigation, return to the person entitled to it anything removed under subsection (2)(c) unless
- (a) it is required as evidence in a prosecution arising out of the investigation, or
 - (b) for any other reason it is impossible or impractical to return it.
- 18.4 The investigator shall, if so requested, produce to the person owning or in charge of the land or premises or of anything being tested or removed under subsection (2) evidence of his authority or authorization under subsection (1).
- 18.5 If entry by the investigator or any other person referred to in subsection (2)(a) on the land or premises is refused, the investigator may make an application to a justice, and if it appears to the justice, on information laid before him on oath, that there are reasonable and probable grounds for believing that entry is needed for the purposes of ensuring a proper investigation under this section, the justice may issue a warrant authorizing the investigator and any such other person, by force if necessary, to
- (a) enter the land or premises, and
 - (b) perform any other activity referred to in subsection (2).

- 18.6 Before exercising any powers under subsection (2)(b) or (c), an investigator shall make reasonable efforts to obtain the co-operation of the owner or person in charge of the land or premises.
- 18.7 In this section, "land or premises" includes vehicles and buildings, whether affixed to the land or not, but does not include a private dwelling.

PART E. CO-ORDINATED ACTIVITIES

19. Forest & Prairie Incidents

- 19.1 When a forest and prairie emergency occurs, and both a fire coordinator and a District Fire Chief, or their delegates have responded, they shall work together in co-ordinating resolution of the emergency. The District Fire Chief shall assume charge unless it is mutually agreed otherwise. The other person shall provide whatever degree of advice, support, information and assistance that is at his disposal.

PART F. GENERAL MATTERS

20. Offences and Penalties

- 20.1 Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this Bylaw is guilty of an offence.
- 20.2 Nothing in this Bylaw shall be deemed 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, as well as the *Alberta Safety Codes Act*, R.S.A. 2000 c. S-1 and the *Forest and Prairie Protection Act* and amendments thereto, or any regulation made thereunder, and in the event of any conflict between the provisions of this Bylaw and the said Act(s) or Regulation(s), the provisions of the said Act(s) or Regulation(s) shall govern.
- 20.3 A peace officer, including a bylaw enforcement officer, is hereby authorized and empowered to issue a Violation Tag to any person whom the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. A Violation Tag may be issued to such person:
- (a) either personally; or
 - (b) by mailing a copy to such person at his last known post office address;

- 20.4 The Violation Tag shall be in a form approved by County of St. Paul No. 19 and shall state:
- (a) the name of the person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in this Bylaw;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - (e) any other information as may be required by County of St. Paul No. 19;
- 20.5 Any person who contravenes or fails to comply with this Bylaw, any Permit, any condition on a Permit, or with any Order or request directed to him pursuant to this Bylaw, is guilty of an offence and liable, upon the issuance of a Violation Tag, to pay:
- a) a fine of \$300.00 for a first offence;
 - b) a fine of \$500.00 for a second offence within any one year period;
 - c) a fine of \$1,000.00 for a third, or subsequent, offence within any one year period;
- 20.6 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by peace officer, provided that no more than one Violation tag shall be issued for each day that the contravention continues;
- 20.7 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation tag is issued may, in lieu of being prosecuted for the offence, pay to County of St. Paul No. 19 the penalty specified on the Violation Tag;
- 20.8 Nothing in this Bylaw shall prevent a peace officer from immediately issuing a Violation Ticket for mandatory Court appearance of any person who contravenes any provision of this Bylaw.
- 20.9 A peace officer is hereby authorized and empowered to issue a Violation Ticket in respect to any contravention or failure to comply with any Permit or condition of a Permit, pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended;
- 20.10 If the penalty specified on a Violation Tag is not paid within the prescribed time period, a peace officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*;
- 20.11 Any person who contravenes or fails to comply with this Bylaw, any Permit, any condition on a Permit, or with any Order or request directed to him pursuant to this Bylaw, is guilty of an offence and liable, upon the issuance of a Violation Ticket, to pay a fine of not less than \$300.00 and not more than \$10,000.00.

20.12 In addition to any fine imposed under Part 28, the Court may order the convicted person to reimburse the County for the costs involved as a debt to the County.

21. Liability of County Representatives

21.1 The Fire Chief, a member of the Fire Department, a fire guardian or delegated person or a County official and/or employee charged with the administration and/or enforcement of this Bylaw, acting in good faith and without malice for the County in the discharge of his duties, shall not hereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties, unless the person was dishonest, grossly negligent, or guilty of wilful misconduct.

22. Fire Control Agreements

22.1 The Council may enter into a fire control agreement

- (d) With any person.
- (2) With any other municipality.
- (3) With the Province of Alberta in respect of Crown land in or adjacent to the County.

23. Severability

23.1 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.

Bylaw No. 1140 dated October 13, 1987, Bylaw No. 1276 dated March 15, 1995, and Bylaw No. 1360 dated May 15, 2001 are hereby rescinded

Read a first time in Council this 10th day of June, A.D. 2003.

Read a second time in Council this 16th day of September, A.D. 2003.

Read a third time in Council this 16th day of September, A.D. 2003.

(Original Signed by Reeve Bouchard)

Reeve

(Original Signed by CAO K. Heyman)

Chief Administrative Officer

Form 1 - Order Pursuant to Bylaw #

County of St. Paul No. 19

Order to Rectify Hazard

(Date)

(Name & Address)

(Legal Description of Subject Property)

Take notice that conditions dangerous to life, property or forest from fire or fire hazard have been found on the above land owned by you or under your control.

You are hereby ordered, pursuant to the Forest and Prairie Protection Act, and Regulations thereto and/or County of St. Paul No. 19's Fire Protection Bylaw, to take such action as is necessary to rectify the hazard forthwith and in particular to:

(Describe details of work required):

(Date/Time by which Work is to be done):

Should you fail to rectify the hazard as specified herein, or fail to rectify the hazard expeditiously, the County may enter on the lands with any equipment and men it considers necessary and may perform the required work. Upon demand, you shall be required to reimburse the County for the cost of the work performed and in default of payment, the County has a lien for the amount against the land and improvements on it, and may add the said costs to the tax roll for collection in the same manner as taxes.

COUNTY OF ST. PAUL NO. 19

Signature of Authority

Schedule "A"
COUNTY OF ST. PAUL NO. 19
FIRE PERMIT ISSUANCE
PROCEDURAL GUIDELINES

Permit Boundaries

- County appointed Fire Guardians are authorized to issue permits within the boundaries of County of St. Paul No. 19.

Permit Period

- Fire permits are required for burning from April 1 to October 31, unless fire conditions prevail.
- All outdoor fires during the year require a permit either in person or via fax from the County Office, advising of the date the fire will be set, type of fire, and land location. The County will issue a written permit indicating the conditions that the individual shall adhere to. Each permit will expire 30 days after issuance.

Site Inspection

Prior to issuing a fire permit, the Fire Guardian shall conduct a site inspection, so they are fully aware of the circumstances on site. If the Fire Guardian determines the site to be unsafe or material being burned contravenes any regulations, the Fire Guardian shall not issue a permit.

Safety Hazards

If it is suspected that a fire may cause smoke that could result in a traffic hazard on:

- Alberta Provincial Highways, the permit holder must contact the nearest Highway Maintenance office and advise personnel accordingly.
- Local Roads, the permit holder must advise the County's Public Works Department and pick up road signage, and place accordingly on the roads affected prior to setting the fire. In the event that a Landowner fails to pick up signs and place, or sets a fire without proper signage, and the Public Works Department becomes aware of the situation and the Public Works Department may set up the necessary signs on roads affected due to a Fire Hazard and all costs of such actions will be borne by the Landowner and collected in accordance with the provisions of the Municipal Government Act (MGA), RSA as amended from time to time.
- If it is suspected that a fire may cause smoke that could result in an air traffic hazard at or about the St. Paul or Elk Point Airports, the permit holder must advise and/or obtain approval from the St. Paul or Elk Point Airport Commissions.

Cancellations

Fire Coordinators and/or the Administration or designate can cancel any one or all permits at any time when they judge conditions to be unsafe for burning.

Points for Consideration in Issuing a Fire Permit:

- Be informed on current and future weather conditions.
- Be familiar with the Forest & Prairie Protection Act, related Regulations, the County's Fire Protection Bylaw and generally accepted burning practices for burnable materials.
- Be aware of conditions where it would be unwise to permit the burning of straw and stubble.
- Be aware of the circumstances that could result in unnecessarily exposing residents of the burn area to excessive amounts of smoke and odor.
- Be aware of the circumstances that could severely restrict visibility on public roadways, railroad crossings and near airports.
- Attach conditions to the Fire permit(s) that clearly define the conditions under which the burn is to take place.
- Be informed of pending or imminent permit restrictions and bans.

Spring Grass, Yard and Meadow Burning:

Issue permits only under the following conditions:

- Ignition time: After 1800 hours DST
- Low to moderate fire hazard
- Low to moderate wind factor
- Adequate water source on site
- Adult supervision of fire sets

Conditions of Permit:

- Suggest not issuing for more than thirty (30) days. This is advisable so as to eliminate drastic changes in weather and fire hazards, which can occur in Spring.
- When snow adjacent to forest cover is gone; the field, meadow, etc. on burn site must have natural man-made fuel breaks (such as plowed fields, roads) or construction of fireguard must be considered.
- Fire must be extinguished prior to permit expiring.

Range Improvement in Standing Forest Cover by Burning:

- A Fire permit **may** be issued for improving range with the use of fire, providing an adequate burn plan is provided. The Fire Guardian will consider weather factor, ground cover, and standing forest cover to be burnt in all such applications.

Permits for Piles, Re-burn Piles and Windrows:

Permits for piles and windrows may not be issued until after spring green-up. Issue permits under the following conditions:

Ignition after 1800 hours DST
Low to moderate fire hazard
Acceptable fire guard
Wind less than 15 km/hour
Adequate water source on site
Adult supervision of fire sets

Additional Conditions to consider:

- Windrows and brush piles must have been piled according to Forest and Prairie Regulations, on distance and spacing (see "Windrow Construction Directions", following).
- Permits may not be issued if the burn site has coniferous standing forest cover on the borders, and adequate separation distance is a concern.
- An adequate drying time should be allowed before brush is burned. Two years is recommended.
- A permit may not be issued and piles/windrows, etc. should not be burned when conditions are such that ground fires will occur.
- A permit may not be issued for burning of any type of fuel on peat type soil. (High in organic matter).
- General weather conditions and seasonal weather conditions must be taken into consideration when a permit is being considered for issuance. Particular attention must be given to potential for weather inversions occurring and trapping smoke near the ground in the spring or fall. Consider limiting the number of piles and/or windrows that may be burned at any one time. Co-ordination and scheduling of burning among property owners in a general area is recommended as well. Should conditions dictate, it may be necessary that no permits be issued for a period of time.

- Ignition patterns on windrow should be outlined, indicated number of rows or piles to be burned at one time and which ones to light first.
- Fire must be extinguished prior to permit expiring.
- It is recommended that all persons requesting a fire permit have adequate insurance coverage or add a fire fighting insurance endorsement to their homeowner=s policy.

Windrow Construction Directions

- Not only is it important that windrows be constructed to meet provincial debris disposal regulations, properly constructed they will burn easier and cleaner.
- Try to eliminate as much dirt from the roots and pack windrows as tight as possible.
- It is suggested that where practical, windrows should run across the direction of the prevailing wind and each section should not be more than 200 feet in length.
- It is recommended that there should be a 50-foot fireguard break between the ends of rows and when they are running parallel to each other there should be a 50-foot fireguard spacing between each windrow. A 75-foot fireguard break between windrows and any uncleared land is also required.

Reviewed on _____, _____
 Date Year