

COUNTY OF ST. PAUL NO. 19

BY-LAW NO. 2017-27

A Bylaw of the County of St. Paul No. 19, hereafter referred to as the "Fire Protection Services Bylaw", to establish Fire Services in and for the County of St. Paul No. 19.

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 Municipality; and

WHEREAS Section 8 (a) of the *Municipal Government Act* provides for municipalities to enact bylaws to regulate or prohibit; and

WHEREAS Section 8 (c) of the *Municipal Government Act* provides for municipalities to enact bylaws to provide a system of licenses, permits or approvals; 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 their powers, duties or functions to a designated officer or an employee of the municipality; and

WHEREAS the *Forest and Prairie Protection Agency, R.S.A., 2000, c. F-19*, 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 *Emergency Management Act, R.S.A., 2000, c. E-6.8*, as amended, provides additional powers to a municipality to enable it to carry out and enforce the provisions of the *Emergency Management Act* within its boundaries; 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; and

WHEREAS the Council for County of St. Paul No. 19 considers it necessary to establish fire services within the County of St. Paul No. 19 and to provide the efficient operation of such fire services; and

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, enacts as follows:

Section 1 – Name of Bylaw

1.1 This Bylaw may be cited and referred to as the “**Fire Protection Services Bylaw**”.

Section 2 – Definitions

2.1 In this Bylaw, words and phrases shall be defined as specified follows:

“Acceptable Fire Container” means an outdoor receptacle that meets the following specifications:

- a) Maintains a minimum of three (3) metres clearance, measured from the nearest Fire Container edge to the buildings, property lines, or some combustible material.
- b) The Fire Container shall not have an open flame exceeding one (1) metre at its widest point;
- c) The Fire Container is set upon or built into the bare ground or on a non-combustible material such as brick, stone, or concrete.
- d) The Fire Container installation has enclosed sides made from bricks, concrete blocks, metal, or other non-combustible materials; and
- e) The Fire Container is not located over any underground utilities or under any above-ground wires.

“Bylaw Enforcement Officer” means the following:

- a) Any member of the Royal Canadian Mounted Police;
- b) Any Community Peace Officer; or
- c) The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to act in accordance with the provisions of this Bylaw.

“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 Guardian and any other County employee(s) so delegated by the Chief Administrative Officer or by a designated officer.

“Deputy Fire Chief” means the individual appointed as second in command of a Fire Protection District.

“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 machinery, tools, contrivances, devices, materials, or vehicles 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 Ban” means a declaration by a Fire Guardian that a restriction has been placed on the setting of fires and may be categorized as follows:

- a) “Level 1: No Restriction” means that safe campfires are allowed in campgrounds and in other County areas and that fires are allowed in Acceptable Fire Containers. Any burning other than a campfire requires a fire permit.
- b) “Level 2: Fire Advisory” means that safe campfires are permitted in campgrounds and in other County areas and that fires are allowed in Acceptable Fire Containers, but the issuance of fire permits for other burning may be restricted. Existing permits will be honoured, but the issuance of new permits may be suspended.
- c) “Level 3: Fire Restriction” means that safe campfires are allowed only in campgrounds with approved fire pits and fires are allowed in Acceptable Fire Containers. No open fires are allowed within the County and fire permits may be suspended or cancelled and no further permits will be issued.
- d) “Level 4: Fire Ban” means that no open campfires will be permitted in campgrounds or in any other area of the County. All fire permits will be suspended or cancelled and no new permits will be issued.

"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 Chief Administrative Officer or such other persons as Council shall appoint from time to time.

“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 document in the form prescribed by the Forest and Prairie Protection Act or the County of St. Paul No. 19 permitting the lighting of open fires.

"Fire Protection" means all aspects of fire safety including but not limited to fire prevention, firefighting 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 as set out in Appendix B.

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

"Hamlet" means an unincorporated area as defined by the Municipal Government Act.

"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.

"Multi-lot residential subdivision" means more than four (4) lots within a quarter section.

"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 or camping stove.

"Prohibited Debris" means debris defined by the Substance Release Regulation – AR 124/93, pursuant to the *Alberta Environmental Protection and Enhancement Act*, means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours, or toxic substances. This debris includes but is not limited to:

- a) Animal cadavers;
- b) Animal manure;
- c) Pathological waste;
- d) Waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
- e) Combustible materials;
- f) Tires;
- g) Rubber or plastic or anything containing or coated with rubber or plastic or similar substances;
- h) Used oil, wood, or wood products containing substances for the purpose of preserving wood.
- i) Household municipal waste; and
- j) Hazardous waste.

"Running Fire" means a fire burning without being under the proper control of a person.

“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.

Section 3 – Objectives

3.1 The objectives of the County of St. Paul Fire Services are:

- a) To provide fire protection services to County residents and through mutual aid agreements with the Town of St. Paul, Town of Elk Point, and Summer Village of Horseshoe Bay; and
- b) To provide fire protection services to surrounding communities with whom the County of St. Paul has entered into a fire services mutual aid agreement.

3.2 Without limiting the generality of the foregoing, the County may undertake such studies, research, projects, or programs and enter into such contracts as may be deemed necessary or desirable in furthering the County’s objectives and to provide economic, safety, health, and environmental benefits to County residents and visitors.

Section 4 – Fire Protection Committees

4.1 The Town of Elk Point Fire Protection Committee shall consist of two councillors from the County appointed annually at the County Council Organizational Meeting.

4.2 The St. Paul and Area Joint Fire Protection Management Committee shall consist of the reeve and two councillors from the County appointed annually at the County Council Organizational Meeting.

4.3 Committee meetings shall take place at such a date, time, and place as determined from time to time by the Chairman of each respective committee.

4.4 All committee members must receive notice of any meeting called by the Chairman before that meeting can occur.

4.5 The agenda for all Fire Protection Committee meetings shall be circulated at least seven (7) days prior to the meeting date.

Section 5 - Fire Services

5.1 Fire services shall be provided by the County for the purposes of, but not limited to:

- a) preventing and extinguishing fires;
- b) investigating the cause of fires and carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;

- c) preserving life and property and protecting persons and property from injury or destruction by fire;
- d) providing rescue or vehicle extrication services;
- e) preventing, combating and controlling emergency incidents;
- f) entering into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing Equipment; and
- g) purchasing and operating Equipment for extinguishing fires or preserving life and property.

Section 6 – Designated Officers and Other Authorities

Fire Protection Districts

- 6.1 The Council of the County of St. Paul will operate four Fire Protection Districts in the County of St. Paul named St. Paul, Elk Point, Ashmont and Mallaig as pictured in Schedule A.
- 6.2 The Council may establish additional Fire Protection Districts, from time to time.

Appointment of Officers

- 6.3 Council shall appoint a Fire Chief for Mallaig and Ashmont by resolution, from time to time.
- 6.4 Other officers and members may be appointed to a District Fire Department by the Fire Chief of that Fire Protection District.
- 6.5 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.

Jurisdiction

- 6.6 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 as specified in Appendix B.
- 6.7 No fire Equipment 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.
- 6.8 Each District Fire Department shall respond to incidents and 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.

Procedural Guidelines

- 6.9 County Administration may by resolution adopt 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.

Authority

- 6.10 The Council hereby delegates the following authorities to the Fire Chief and the Deputy Fire Chief of the District Fire Departments:
- a) the Fire Chief or the Deputy Fire Chief or any member acting in their position, is empowered to cause a building, structure, or other object to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures, or objects;
 - b) the 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 Fire Department and the Equipment of the 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.
 - c) the Fire Chief of the Deputy Fire Chief or any Member acting in their position, is authorized to issue permits, provide fire reports, and issue any other document in the name of the County which may be required for the efficient operation of fire services within the County and whose issuance has been approved by Council.
 - d) in an emergency, the Fire Chief or the Deputy Fire Chief or any Member acting in their position may, on behalf of the County take whatever actions or measures are necessary to eliminate the emergency whether or not such action involves a breach of the provisions of the *Municipal Government Act*, any other enactment, or this Bylaw.
 - e) the 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.
 - f) the Fire Chief or the Deputy Fire Chief or any Member acting in their position, as designated officers of the County are not subject to the direct control and supervision of the Chief Administrative Officer.
 - g) the Fire Chief or the Deputy Fire Chief or any Member acting in their position may 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

- h) the Fire Chief or the Deputy Fire Chief or any Member acting in their position may commandeer privately owned equipment, which he considers necessary to deal with an incident.
- i) The Fire Chief or the Deputy Fire Chief or any Member acting in their position may enter private property for the purpose of accessing water sources and/or other resources he considers necessary to deal with an incident.
- j) The Fire Chief or the Deputy Fire Chief or any Member acting in their position may hire privately owned equipment which he/she considers necessary to deal with an incident.

Fire Guardians

- 6.11 The Fire Chief or Deputy Fire Chief or any Member acting in their position are hereby designated as Fire Guardians of the County and authorized to perform all or any of the duties of the County as outlined in the *Forest and Prairie Protection Act*, as amended from time to time. Any expense incurred while fulfilling the duties of a Fire Guardian shall be borne by the County.
- 6.12 Additional Fire Guardians are the Chief Administrative Officer, or an individual otherwise appointed by the County. Fire Guardians exercise the following powers:
 - a) a Fire Guardian may require any able-bodied adult person not exempted by regulations to assist in fighting a fire.
 - b) a Fire Guardian may commandeer and authorize payment for the possession or use of any Equipment for the purpose of fighting a fire.
 - c) a Fire Guardian may enter a closed area as per the *Forest and Prairie Protection Act* without a permit or the written permission of a forest officer subject only to any regulations of the *Forest and Prairie Protection Act*.
 - d) a Fire Guardian may obtain from every person found on public and or leaving or entering public land his name, address, and an account of his activities he proposes to carry out and the route he intends to follow on the public land.
 - e) a Fire Guardian may issue to an applicant a Fire Permit in respect of any land within the boundaries of the County.
 - f) a Fire Guardian issuing a Fire Permit may endorse on the document any special fire control conditions with which the applicant must comply in addition to any requirements of the *Forest and Prairie Protection Act* and the regulations.
 - g) a Fire Permit may be suspended or cancelled at any time by a Fire Guardian and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his permit.

- h) a Fire Guardian may without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging their duties under this Bylaw or the *Forest and Prairie Protection Act* or the regulations.
- i) a Fire Guardian may, without a warrant, enter any private dwelling house which is on fire and proceed to fight the fire.
- j) a Fire Guardian may investigate the cause, origin, and circumstances of any forest or prairie fire according to the provisions of the *Forest and Prairie Protection Act* and this Bylaw.
- k) a Fire Guardian may temporarily divert traffic on a road over which the County has the direction, control and management of until a Fire Hazard, Emergency or fire is eliminated;
- l) a Fire Guardian may erect signage or take any other action to warn people about a Fire Hazard, Emergency or fire;
- m) a Fire Guardian may enter land or a structure at any reasonable hour, and carry out any 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; and
- n) a Fire Guardian may request an owner or occupant of land or a structure to produce documents or do anything that will assist the Fire Guardian 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.

Delegation of Powers

- 6.13 A Fire Guardian 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 Chief Administrative Officer and Council, either in relief or due to emergency, to efficiently and effectively carry out the work.

Responsibility & Authority

- 6.14 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 Guardian to whom they shall report and be responsible, and in particular the Fire Chief shall be responsible to carry out all fire protection activities and such other activities as the Fire Guardian, or in their absence, the Chief Administrative Officer has authority.
- 6.15 Each Fire Chief shall establish rules, regulations, procedures 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.
- 6.16 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 a delegate, the senior ranking District Fire Department member present, shall have control, direction and management of any Fire Department 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.
- 6.17 Members of each District Fire Department shall carry out duties and responsibilities assigned to the District Fire Department, and the 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 Chief Administrative Officer.
- 6.18 The Fire Chief, or the Member in charge at an incident may, at their discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter.
- 6.19 The Fire Chief, or the Member in charge at an incident may request Bylaw Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits of a fire incident.
- 6.20 All invoicing for fire services shall be carried out through the respective municipal offices.

Section 7 - Offences

- 7.1 No person shall contravene any provision(s) of this Bylaw.
- 7.2 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 Fire Chief or the member in charge or interfere with the operation of any Equipment required to extinguish fires or preserve life or property.
- 7.3 Any person who ignites, fuels, supervises or permits an Open Fire within the County without a valid Fire Permit is guilty of an offence.
- 7.4 Any person who ignites a fire or burns during a Fire Ban which clearly specifies the prohibition of such an ignition is guilty of an offence.

- 7.5 When a fire is lit or ignited without the appropriate Fire Permit, except a fire described in Section 8.4, 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) where they are unable to extinguish the fire immediately, report the fire to Fire Services.
- 7.6 No person shall either directly or indirectly, personally or through an agent, kindle a fire, whether a Fire Permit was obtained for that fire or whether the fire did not require a Fire Permit, and let it become a Running Fire on any land including his own property, property under his control, or to the property of another.
- 7.7 No person shall:
- a) light an Open Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
 - b) light an Open Fire when the weather conditions are conducive to creating a Running Fire or when the County or another authorized agency has announced a ban on burning;
 - c) burn in an Open Fire garbage, leaves, straw, painted wood, treated construction materials, and items made of or containing rubber, plastic, tar or any materials deemed for disposal;
 - d) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
 - e) provide false, incomplete, or misleading information to the County or to a Fire Department on or with respect to a Fire Permit;
 - f) 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 Fire;
 - g) damage or destroy any District Fire Department property;
 - h) falsely represent himself as a District Fire Department Member or wear or display any uniform, badge, cap, button, insignia, or other paraphernalia for the purpose of false representation;
 - i) 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; and
 - j) burn municipal household waste in a Hamlet or Multi-lot Subdivision.

- k) set, permit, maintain or operate an open fire or burning barrel at any time of the year within one hundred (100) metres of a trestle or bridge structure located on the Alberta's Iron Horse Trail. The person who set, permitted or maintained such an Open Fire or burn barrel shall extinguish the fire immediately upon the order of a Fire Guardian or his designate. If the person who set, permitted or maintained an open fire fails to comply with an order to extinguish, the fire services may extinguish the fire and recover the cost of extinguishment from the person in accordance with the Fee Schedule Bylaw.

Section 8 - Recovery of Costs

- 8.1 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 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.
- 8.2 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 as stated in the County's Fee Schedule Bylaw.
- 8.3 The schedule of fees and charges to be charged by District Fire Departments for services rendered pursuant to this Bylaw shall be set out in the County's Fee Schedule Bylaw. The fees and charges set out in the Fee Schedule Bylaw are determined from time to time upon resolution by Council.
- 8.4 When a District Fire Department responds to an incident and fire protection or 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 minimum fee will be charged as stated in the Fee Schedule Bylaw in the following instances:
- a) 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) For each additional firefighter (excluding the two (2) firefighters per unit);
 - c) For the use of any other County resources;
 - d) Any private equipment commandeered or otherwise required by the District Fire Chief or member in charge 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.

- 8.5 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.
- 8.6 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.
- 8.7. 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.
- 8.8 Mutual aid agreements with neighbouring municipalities or industry will be negotiated separately. Any clauses in a mutual aid agreement will supersede this Bylaw when two clauses are in conflict.
- 8.9 The County, at its discretion, reserves the right to waive any fire response cost recovery charges. This may include but is not limited to Good Samaritans or passersby having witnessed smoke in the distance, reporting fires to 911, or controlled fires being reported. However, this discretion will only be exercised as long as all required fire permits are in place and the fire is in compliance and there are no contraventions to any Fire Bans in place at the time.

Section 9 – Forest and Prairie Protection

Application of Bylaw

- 9.1 This Part applies to all land within County of St. Paul No. 19, in the Province of Alberta insofar as it does not contravene the provisions of the FPPA, except
- a) land within the boundaries of a summer village, or town
 - b) lands controlled by Alberta Sustainable Resources as indicated as the Forest Protection Area (for wildland fire protection only)
- 9.2 When a forest and prairie emergency occurs, and both a Fire Guardian and a District Fire Chief, or their delegates have responded, they shall work together in coordinating 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.

Fire Hazards

- 9.3 If the Council, through the District Fire Department, finds within its boundaries on privately-owned land or occupied public land conditions that in the opinion of the District Fire Department constitute a fire hazard, it may, through a Fire Guardian, order the owner or occupant of the land on which the hazard exists to reduce or remove the hazard within a fixed time frame and in a manner prescribed by Council. An emergency situation shall be reported to the Fire Department through E-9-1-1.
- 9.4 When Council, through the District Fire Department, finds that the order made pursuant to section 9.3 has not been carried out, it may enter on the land with any equipment and persons it considers necessary and may perform the required work.
- 9.5 The owner or the occupant in control of the land on which work was performed pursuant to section 9.4 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.

Fire Permits

- 9.6 Fire Permits are required for burning at all times throughout of the year.
- 9.7 A Fire Guardian may, at their 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 found in Schedule B of this Bylaw, which may be amended from time to time by resolution of Council.
- 9.8 A Fire Permit is valid only for the period for which it is issued.
- 9.9 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 on the permit.
- 9.10 Any person wishing to obtain a Fire Permit for any area within the County must apply to the Fire Guardian appointed by the County at a location and during a time period determined by the County administration from time to time. The County may consider applications over e-mail and fax, but no burning may occur until the completion of the application.
- 9.11 Each application for a Fire Permit must be on the form required by the *Fire and Prairie Protection Act* as determined from time to time or approved by the Fire Guardian and must include the following information:
- a) the name, address, and telephone number, if applicable, of the applicant,
 - b) the reason a Fire Permit is required,

- c) the legal description of the land upon which the fire will be set and the exact location of the fire on those lands including the municipal address where applicable,
- d) the type of combustible material that will be burned,
- e) any precautions that will be taken by the applicant to maintain control of the fire,
- f) the time for which the Fire Permit will remain valid,
- g) the signature of the applicant and the issuing Fire Guardian.

Suspension or Cancellation of Fire Permit

- 9.12 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.
- 9.13 Should a Fire Guardian be unsatisfied with the efforts observed in complying with a permit cancellation or meet with opposition from the owner or the occupant in control of the land, a Fire Guardian shall immediately notify the County Administration who will initiate whatever actions are necessary to enforce the provisions of this bylaw.

Investigation of Cause of Fire

- 9.14 A Fire Guardian making an investigation 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 anything 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 Forest and Prairie Protection Act.

- 9.15 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.
- 9.16 Before exercising any powers under subsection 9.14, a Fire Guardian shall make reasonable efforts to obtain the co-operation of the owner or person in charge of the land or premises.
- 9.17 In this section, "land or premises" includes vehicles and buildings, whether affixed to the land or not, but does not include a private dwelling.

Section 10 - Open Fires

- 10.1 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 an existing fire permit.
- 10.2 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.
- 10.3 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.
- 10.4 Notwithstanding Section 10.1 to 10.3, a Fire Permit shall not be required under this Bylaw to conduct the following:
- a) the cooking of food using a portable appliance; or
 - b) recreational burning or the cooking of food in an Acceptable Fire Container provided that:
 - i) Only clean fuel such a natural gas, dry wood, or charcoal in amounts that will be contained within the Fire Container;
 - ii) The Fire Container is not used to burn Prohibited Debris;
 - iii) There is an available means for controlling or extinguishing the fire on the property and within a reasonable distance from where the fire occurs; and
 - iv) An adult is present on the property when the fire is burning.

- c) Burning in fireplaces in or attached to dwellings as provided by legislation;
 - d) The Fire is in a public park site in a County-owned campground where fire pits are provided by the County;
 - e) Burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation;
 - f) The fire has otherwise been authorized by the Fire Guardian.
- 10.5 No person shall set or maintain any Open Fire at any time of the year such that smoke emitted from the fire impairs visibility on a highway, or which in the sole discretion of the District Fire Chief or their designate, becomes a nuisance or safety concern on any highway or property. The person who set or maintained such an Open Fire shall extinguish the fire immediately upon the order of the District Fire Chief or their designate. If the person who set or maintained such an Open Fire fails to comply with an order to extinguish, the Fire Department may extinguish the fire and recover the cost of extinguishment from the person.

Section 11 - Offences and Penalties

- 11.1 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.
- 11.2 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.
- 11.3 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;
- 11.4 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;
- 11.5 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 fine as stated in the County Penalties Bylaw:
- 11.6 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement officer, provided that no more than one Violation tag shall be issued for each day that the contravention continues;
- 11.7 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;
- 11.8 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for mandatory court appearance of any person who contravenes any provision of this Bylaw.
- 11.9 A Bylaw Enforcement 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;
- 11.10 If the penalty specified on a Violation Tag is not paid within the prescribed time period, a Bylaw Enforcement officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*;
- 11.11 Any person who contravenes or fails to comply with this Bylaw, any Fire Permit, any condition on a Fire 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 as stated in the County Penalties Bylaw.
- 11.12 In addition to any fine imposed, the Court may order the convicted person to reimburse the County for the costs involved as a debt to the County.
- 11.13 Any fine or penalty imposed pursuant to Section 9 inures to the benefit of the County.

Liability of County Representatives

- 11.14 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 willful misconduct.

Fire Control Agreements

11.15 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.

Section 12 - Severability

12.1 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 13 - Rescission

13.1 Bylaw No. 2017-08 is hereby rescinded

Read a first time in Council this 12th day of September, A.D. 2017.

Read a second time in Council this ____ day of _____, A.D. 2017.

Read a third time in Council this _____ day of _____, A.D. 2017.

Reeve

Chief Administrative Officer

Schedule "B"
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 at any time during the year.
- § 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 thirty (30) days after issuance.

Site Inspection

Prior to issuing a fire permit, the Fire Guardian may 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 Guardians or their designates 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 odour.
- \$ 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 the spring season.
- \$ 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 MST
- Low to moderate fire hazard
- Acceptable fire guard
- Wind less than 15 km/hour
- Adequate water source on site
- Adult supervision of fire site

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.