



TOWN OF HIGH LEVEL,

BYLAW NO. 886-09

A BYLAW TO PROVIDE FIRE SERVICES WITHIN THE TOWN OF HIGH LEVEL.

WHEREAS the Municipal Government Act, RSA 2000, c. M - 26, as amended, provides that a Council 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 the Town of High Level has been accredited by the Safety Codes Council in the fire discipline; and

WHEREAS, the Council of the Town of High Level, wishes to continue providing fire services within the Town of High Level and to provide for efficient operation of such fire services;

NOW THEREFORE, the Council of the Town of High Level, in the province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1 NAME OF BYLAW

1.1. This Bylaw may be cited as the "Fire Service Bylaw".

SECTION 2 DEFINITIONS

2.1 In this Bylaw:

- (a) "Accredited" means accredited by the Safety Codes Council in the fire discipline under the authority of the Safety Codes Act;
- (b) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies;
- (c) "Council" means the Council of the Town of High Level;
- (d) "Chief Administrative Officer" (CAO) means that person appointed to the position and title of Chief Administrative Officer by the Council of the Town of High Level;

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- (e) "Dangerous Goods" those products, substances and organisms described by the *Dangerous Goods Transportation and Handling Act, R.S.A, c. D-4* as amended and the regulations promulgated thereunder;
- (f) "Dangerous Goods Incident" means a situation where the Fire Service is required to contain, collect, transfer, or provide any other service or action related to Dangerous Goods;
- (g) "False Alarm" means any fire alarm that is activated needlessly, through willful or accidental, human or mechanical error, and to which the Fire Service responds;
- (h) "Fire Chief" means the person appointed by the CAO as head of the Fire Service;
- (i) "Fire Permit" is the written approval for burning in the Municipality issued pursuant to this bylaw;
- (j) "Fire Permit Application" is the application form for burning in the Municipality pursuant to this bylaw;
- (k) "Fire Protection" means all aspects of fire services 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, or any other response to an incident authorized by Council to respond to from time to time;
- (l) "Fire Service" means the department established and organized by Municipality pursuant to the provisions of this Bylaw consisting of, but not limited to, all persons appointed to the Department, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Service, including fire stations;
- (m) "Highway" has the same meaning as defined in the *Traffic Safety Act* of Alberta;
- (n) "Incident" means a fire, a situation where an explosion is imminent, a situation where rescue is required, a motor vehicle accident or any other situation where there is danger or a possible danger to life or property;
- (o) "Member" means any person who is appointed to be a volunteer member of the Fire Service by the Fire Chief;

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- (p) "Member in Charge" means, in the absence of the Fire Chief, the Officer or Member of the Department in command of the Incident;
- (q) Municipal Government Act means the *Municipal Government Act RSA 2000, Chapter M-26* and amendments thereto;
- (r) "Municipality" means the Town of High Level in the Province of Alberta;
- (s) "Officer" means a Member appointed by the Fire Chief to a supervisory position within the Fire Service;
- (t) "Open Fire" shall mean any fire which is not an Incinerator Fire, Pit Fire, Public Park Site Fire and which, without limiting the generality of the foregoing shall include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;
- (u) "Owner" means any person who is registered under the Land Titles Act as the owner of the land;
- (v) "Peace Officer" means a Bylaw Enforcement Officer, a Peace Officer, a member of the Royal Canadian Mounted Police, Safety Codes Officer, or any other person appointed by Council to enforce the provisions of this Bylaw;
- (w) "Person" means an individual, proprietorship, partnership, a company and or a corporation.
- (x) "Prohibited Debris" means any material that when burned, will result in the release to atmosphere dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but not be limited to materials described as;
 - i. animal cadavers;
 - ii. animal manure;
 - iii. chemicals and chemical containers;
 - iv. combustible material in automobile bodies;
 - v. combustible material in automobiles;
 - vi. household refuse;
 - vii. non-wooden material;
 - viii. paints and painting materials;
 - ix. pathological waste;

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- x. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
 - xi. tires;
 - xii. toxic substances;
 - xiii. used oil; or
 - xiv. wood or wood products containing substances for the purpose of preserving wood;
- (y) "Running Fire" means a fire burning without being under the proper control of any person;
- (z) "Safety Codes Officer" means any member certified by the Safety Codes Council of Alberta as a Safety Codes Officer for the Fire Discipline and given a Designation of Powers pursuant to the *Safety Codes Act of Alberta*;
- (aa) "Violation Ticket" means a ticket or similar document issued by the Municipality pursuant to the *Municipal Government Act, RSA 2000 c. M-26*. and amendments hereto;

SECTION 3 JURISDICTION

- 3.1** The limits of the jurisdiction of the Fire Chief, Officers and Members of the Fire Department will extend to the area and boundaries of the Municipality including Provincial Highways within, and no part of the Apparatus shall be used beyond the limits of the Municipality without the express authorization of a written contract or agreement providing for the supply of Fire Services outside the municipal boundaries, unless permission has been granted by the CAO or designate.

SECTION 4 ORGANIZATION AND ADMINISTRATION

- 4.1** The Fire Service of the Municipality shall consist of a Fire Chief, Officers, Members, buildings, Apparatus, and equipment as deemed necessary by Council to safeguard the safety, health and welfare of people and protect people and property.
- 4.2** The CAO shall appoint the Fire Chief who is responsible for the Fire Service activities described in this bylaw.
- 4.3** The Fire Chief shall appoint the required Officers for the Fire Service subject to the ratification of the CAO.

- 4.4 The Fire Chief shall appoint additional Members as required for the proper and efficient operation of the Fire Service.
- 4.5 The Fire Service shall comply with any and all policies established by Council pertaining to the Fire Service.

SECTION 5 FIRE SERVICE

- 5.1 The Council does hereby establish a Fire Service, for the purpose of:
 - (a) preventing and extinguishing fires;
 - (b) investigating the cause of fires in accordance with the Quality Management Plan approved by the Safety Codes Council and Council;
 - (c) preserving life and property and protecting persons and property from injury or destruction by fire;
 - (d) providing rescue services;
 - (e) carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Quality Management Plan approved by the Safety Codes Council and Council;
 - (f) enforcing the provisions of the Safety Codes Act and its regulations; and
 - (g) other services as directed by Council.

SECTION 6 FIRE SERVICE AUTHORITY

- 6.1 The Fire Chief or the Member in Charge shall have control over all aspects of any Incident.
- 6.2 The Fire Chief or the Member in Charge at an Incident shall have the authority to;
 - (a) enter a premise or property where the Incident occurred and to cause any member, Apparatus, or equipment of the Fire Department to enter, when necessary, in order to combat, control or deal with the Incident;
 - (b) enter, pass through or over buildings or property adjacent to an Incident and to cause Members of the Fire Service

to enter, pass through or over the building or property, when necessary to gain access to the Incident or to protect any person or property;

- (c) cause a building, structure or thing to be pulled down, demolished or otherwise removed if necessary to prevent the spread of fire to other buildings, structures, or to combat any other Incident; and
- (d) order into service privately owned equipment, materials, services or labor necessary to eliminate or control the Incident, and to authorize payment for such resources.

6.3 The Fire Chief or Member in Charge may establish Incident boundaries or limits and keep persons from entering the area within prescribed Incident boundaries or limits unless authorized to enter.

SECTION 7 FIRE PERMIT

7.1 In order for a person to ignite, fuel, supervise, maintain or permit any type of fire upon land owned or occupied by the person or under the person's control within the Municipality, the person must obtain a Fire Permit pursuant to this Bylaw.

7.2 Notwithstanding sections 7.1 a fire permit is not required for the following if:

- (a) the fire has been set by the Fire Service for the purpose of training its Members,
- (b) the fire is a Public Park Site fire, which has an approved permit for all fire pits, or
- (c) the fire has otherwise been authorized by the Fire Service.
- (d) ground thawing operations conducted by the Municipality or Province, or
- (e) liquefied petroleum gas flare stack, or
- (f) industrial incinerator with an operating approval from Alberta Environment.

7.3 Any person wishing to obtain a Fire Permit must complete a Fire Permit Application as prescribed by the Municipality and pay the required fee.

- 7.4** Upon receipt of a completed Fire Permit Application, the Municipality, shall consider the Fire Permit Application, and may, in its sole and absolute discretion:
- (a) grant a Fire Permit upon such terms and conditions as the Fire Chief or Member in Charge deems appropriate, or
 - (b) refuse to grant a Fire Permit.
- 7.5** A Fire Permit shall not be transferable.
- 7.6** Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief or Member in Charge.
- 7.7** The Fire Chief or Member in Charge may, in its sole and absolute discretion, terminate, suspend or cancel any or all Fire Permits at any time.

SECTION 8 CONTROL OF FIRE HAZARDS

- 8.1** If the Fire Chief or Member in Charge finds within the Municipal boundaries on privately owned or occupied public land, conditions that constitute a fire hazard, the Fire Chief or Member in Charge may issue a written order to the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed.
- 8.2** When the Fire Chief or Member in Charge finds that the order made pursuant to subsection 8.1 has not been carried out, employees or agents of the Municipality may enter on the land with any equipment and any persons it considers necessary and may perform the work required to eliminate or reduce, the fire hazard.
- 8.3** The Owner or the person in control of the land on which work was performed pursuant to subsection 8.2 shall on demand reimburse the Municipality for the cost of the work performed and in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land.

SECTION 9 FIRE BANS

- 9.1** When it is in the opinion of the Fire Chief or Member in Charge that a reasonable hazard exists, he or she may, after consultation with the CAO, issue a fire ban for the purpose of controlling fire hazards within the Municipality.

- 9.2** If a fire ban is issued, a public notice will be issued within the Municipality explaining the extent of the fire ban including:
- (a) The duration of the fire ban;
 - (b) what types fires the ban affects;
 - (c) the authorization of the fire ban; and
 - (d) the area the fire ban affects
- 9.3** The Fire Chief, in consultation with the CAO, has the authority to extend or shorten the period of time the fire ban is to be in effect.

SECTION 10 REQUIREMENT TO REPORT

- 10.1** The owner or his authorized agent, of any property damaged by fire shall immediately report to the Fire Service particulars of the fire in a manner satisfactory to the Fire Chief.
- 10.2** The owner or authorized agent of any property containing a Dangerous Good(s) product which sustains an accidental or unplanned release of the Dangerous Good(s) product shall immediately report to the Fire Service particulars of the release in a manner satisfactory to the Fire Chief

SECTION 11 PROHIBITIONS

- 11.1** No person or vehicles shall enter the boundaries or limits of an area prescribed in accordance with subsection 6.3 unless that person has been authorized to enter by the Fire Chief or Member in Charge.
- 11.2** No person shall impede, obstruct or hinder a Member of the Fire Service or other person assisting or acting under the direction of the Fire Chief or Member in Charge.
- 11.3** No person shall obstruct a Member from carrying out duties imposed by this bylaw.
- 11.4** No person shall falsely represent himself as a Fire Service Member, or wear or display any Fire Service badge, cap, button, insignia or other paraphernalia for the purpose of false representation.
- 11.5** No person shall obstruct or otherwise interfere with Highways, access roads or streets or other approaches to any Incident, fire

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alarm, fire hydrant, cistern or body of water designated for firefighting purposes or any connections provided to a fire main, stand pipe, sprinkler system, cistern or other body of water designated for firefighting purposes.

11.6 No person shall:

- (a) light any fire within Municipal limits without the authority of and within the conditions of a Fire Permit issued as outlined in section 7 of this bylaw or another Municipal bylaw;
- (b) light any fire when the weather conditions are conducive to creating a Running Fire;
- (c) deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire;
- (d) conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless the person exercises reasonable care to prevent the fire from occurring;
- (e) interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property;
- (f) interfere with the operation of any of the Fire Department equipment or Apparatus required to extinguish fires or preserve life or property;
- (g) drive over, damage or destroy Fire Department property; or
- (h) burn Prohibited Debris.

SECTION 12 RECOVERY OF COSTS

12.1 Where the Fire Services has provided services for the purpose of:

- (a) occupant load determination,
- (b) fire inspections,
- (c) fire investigations, and
- (d) Fire Permits,

the Municipality shall, in respect of costs incurred by providing the service, charge such fees as set by Council from time to time, and such fees shall be due and payable upon receipt of such services.

12.2 Where the Fire Service has taken any action or response to a False Alarm, the Municipality shall, in respect of any costs incurred by the Municipality in taking such action, charge the costs and fees as established by Council from time to time to the Owner for all Apparatus and Members mobilized when the property has had more than one False Alarm within one calendar year.

12.3 Where the Fire Service has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident as a result of a contravention of Section 7, the Municipality may, in respect of any costs so incurred by the Municipality in taking such action charge the costs and fees as established by Council from time to time:

- (a) to the Person who caused the incident, or
- (b) to the holder of the fire permit, or
- (c) to the Owner of the property.

12.4 Where the Fire Service has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or Incident as a result of a Person or Owner not following requirements or procedures of ;

- (a) the Alberta Fire Code;
- (b) the Alberta Building Code;
- (c) the Alberta One Call program;
- (d) a condition of any Municipal permit;
- (e) a Municipal Bylaw, or
- (f) a Provincial or Federal Act or regulation,

the Municipality shall, in respect of any costs incurred by the Municipality in taking such action, charge fees and costs as established by Council from time to time for all Apparatus, equipment and Members mobilized.

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- 12.5** Where the Fire Service has taken any action whatsoever for the purpose of extinguishing a fire and a Person has been convicted of arson under the Criminal Code of Canada, the Municipality shall recover any costs so incurred by the Municipality in taking such action from that person.
- 12.6** Where the Fire Service has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or Incident pursuant to this bylaw the Municipality may, in respect of any costs owing to a third party for providing labour, services, equipment or materials, charge those costs so incurred by the Municipality:
- (a) to the Person who caused the Incident; or
 - (b) to the Owner or the Person in possession of the land where the Incident occurred.
- 12.7** Where the Fire Service has taken any action whatsoever for the purpose of containing, removing or any other action for a Dangerous Goods Incident, the Municipality may, in respect of any costs incurred by the Municipality in taking such action, charge those costs so incurred by the Municipality:
- (a) to the Person who caused the Incident;
 - (b) to the Owner of the Dangerous Goods; or
 - (c) to the Owner or the Person in possession of the land where the Dangerous Goods Incident occurred.
- 12.8** Where the Fire Service is required to secure an Incident scene for investigation or public safety reasons, the Municipality in taking such action may charge those costs so incurred by the Municipality:
- (a) to the Person who caused the Incident;
 - (b) to the Owner or the Person in possession of the land.
- 12.9** In respect of the costs or fees described this Section;
- (a) the Municipality may recover such cost or fee as a debt due and owing to the Municipality; or
 - (b) in the case of action taken by the Fire Service in respect to land within the Municipality, where the cost or fee is not paid upon demand by the Municipality, then in default of

payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land, or

- (c) in the case of action taken by the Fire Service in respect to incidents involving motor vehicles the municipality may take any collection action it deems necessary if the amount levied by the Municipality is not paid within sixty (60) days after the mailing of an invoice by the Municipality.

SECTION 13 OFFENSES AND PENALTIES

- 13.1** Every person who violates a provision of this Bylaw who is guilty of an offense is punishable upon summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) or to a term of imprisonment not exceeding one (1) year or to both.
- 13.2** A Peace Officer who finds a person violating or who has reasonable and probable grounds to believe that a person has violated any provisions of this Bylaw, may give a written notice of intention to prosecute, in the form of a Part Two Provincial Violation Ticket, setting forth the date, time, and place of the offence, briefly indicating the nature of the offence.
- 13.3** The Court convicting a person of a violation of this Bylaw may order that in default of payment of a fine imposed on such conviction, the defendant shall be imprisoned for a period of not more than six months.

SECTION 14 VIOLATION TICKET

- 14.1** Nothing in this bylaw shall prevent a Peace Officer from:
 - (a) immediately issuing a Violation Ticket for the mandatory Court appearance to any person who contravenes any provision of the bylaw, or
 - (b) issuing a Voluntary Payment ticket in lieu of a mandatory Court appearance as specified in Schedule "A".

SECTION 15 SEVERABILITY

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

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SECTION 16 REPEAL

16.1 Bylaws 570, 691-99 and 714-99 are hereby repealed.

FIRST READING given on the **14th** day of **September, 2009**.

SECOND READING given on the **14th** day of **September, 2009**.

THIRD AND FINAL READING given on the **28th** day of **September, 2009**.

SIGNED AND PASSED THIS 30th **DAY OF** September, **2009**.

(Original signed)

Mayor

(Original signed)

Municipal Secretary

**TOWN OF HIGH LEVEL
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SCHEDULE "A"**

VIOLATION TICKETS:

Violation Tickets:

Fail to assist when requested	\$100.00
Impede, obstruct or hinder Fire department member or Equipment	\$100.00
Damage or destroy Fire Department Equipment	\$150.00 plus cost of replacing equipment
Drive Vehicle over any piece Fire Department equipment	\$150.00 plus cost of repairing or replacing equipment
Obstruct Member from carrying Duties	\$100.00
False Representation as Fire Service Member	\$100.00
Obstruct or interfere with access to water systems for firefighting purposes	\$100.00
Unauthorized burning within Town limits 1 st Offence	\$100.00
2 nd Offence	\$200.00
3 rd Offence and every offence thereafter	\$500.00
Failing to report in accordance to Section 10	\$100.00

