

## BYLAW NO. 1668

A Bylaw of the Municipal District of Bonnyville No. 87 in the Province of Alberta, for the purpose of establishing Fire Services in and for the Municipal District of Bonnyville No. 87.

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

**Whereas** the Forest and Prairie Protection Act, 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, 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**, the Municipal Council of the Municipal District of Bonnyville No. 87 has been accredited by the Safety Codes Council in the Fire Discipline under Joint Fire Accreditation J000115; and

**Whereas** the Council of the Municipal District of Bonnyville No. 87 wishes to establish fire services within the Municipal District of Bonnyville No. 87 and to provide for efficient operation of such fire services; and

**And whereas** the Municipality of Bonnyville No. 87 has passed Bylaw No. 1143 allowing it to enter into an agreement with the Town of Bonnyville to create the Bonnyville Regional Fire Authority in order to provide fire and related services to the municipality;

**Now therefore**, the Council of the Municipal District of Bonnyville No. 87 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 Services Bylaw."

### Section 2 - Definitions

- 2.1 In this Bylaw:

- a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications:
- i. a minimum of three (3) metres clearance, measured from the nearest fire pit edge is maintained from buildings, property lines, or other combustible material;
  - ii. the fire pit height does not exceed .6 metres when measured from the surrounding grade to the top of the pit opening;
  - iii. the fire pit shall not have an open flame area exceeding one meter at its widest point.
  - iv. is set upon or built into the bare ground or on a non combustible material such as brick, stone or concrete.
  - v. the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials; and
  - vi. the fire pit is not located over any underground utilities or under any aboveground wires.
  - vii. the fire pit is not located in the front yard of a residence within a hamlet.
- b) "Acceptable Portable Fire Receptacles" means a commercially manufactured outdoor portable fire receptacle that is fully enclosed by wire mesh.
- c) "Acceptable Fireplace" means an outdoor receptacle that meets the following specifications:
- i. a minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
  - ii. the fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;

- iii. the fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
  - iv. the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - v. the base of the fire burning area is not less than .3 metres above the surrounding grade: and
  - vi. the fire chamber does not exceed 1.25 metres in width, and is at least .4 metres but not more than .6 metres in depth.
- d) "Acceptable Burning Barrels" means an outdoor receptacle that meets the following specifications:
- i. a minimum of 3 meters clearance measured from the nearest edge to a building or other combustible materials;
  - ii. equipped with a mesh screen with openings no larger than 7 mm, secured in place with latches or weights;
  - iii. constructed of non combustible material;
  - iv. not located over underground utility services or under aboveground wires;.
  - v. maximum diameter of 0.7 meters; and
  - vi. maximum height of 1.0 meter.
- e) "Burnable Debris" means those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:
- i. straw and stubble;
  - ii. grass and weeds;
  - iii. leaves and tree prunings;
  - iv. brush and fallen trees on newly cleared land or associated logging operations;
  - v. used power, telegraph and telephone poles that do not contain preservatives;
  - vi. wood material from the construction or demolition of buildings which does not contain wood preservatives;
  - vii. solid waste from sawmills or planing mills with an annual production of less than 6500 cubic metres of lumber;
  - viii. solid waste from post and pole operations that does not contain wood preservatives or;
  - ix. solid waste from tree harvesting operations.
- f) "Municipal Manager" or Chief Administrative Officer howsoever named, means that person appointed to the position and title, by the Municipal Council of the Municipal District of Bonnyville No. 87 and includes any person appointed by the Municipal Manager to act as their appointee.
- g) "M.D." means the Municipal District of Bonnyville No. 87.
- h) "Council" means the Council of the Municipal District of Bonnyville No. 87.
- i) "Dangerous Goods" means any product, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the Dangerous Goods Transportation and Handling Act, R.S.A. 2000, Chapter D - 4, as amended.
- j) "Emergency Unit" means a fire truck, pumper truck, rescue truck, ambulance, mobile command unit, brush truck, dangerous goods unit, tanker, police vehicle, peace officer vehicle or other vehicle designated by the Regional Fire Chief.
- k) "False Alarm" means any fire alarm that is set off needlessly, through willful or accidental, human or mechanical error, and to which the Fire Services responds.
- l) "Fire Services" means the Bonnyville Regional Fire Authority, a Society, as established pursuant to the laws of Alberta and organized for the M.D. pursuant to the provisions of this Bylaw and agreement with the Town of Bonnyville, consisting of, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the

operation, maintenance and administration of the Bonnyville Regional Fire Authority, including fire and ambulance stations.

- m) "Fireworks" means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivision 1 and 2 in Section 14 of the Explosives Regulations (Canada) and Section 5.7 of the Alberta Fire Code.
- n) "Incident" means a fire or a situation where a fire or an explosion is imminent or any other situation presenting a danger or possible danger to life or property and to which the Fire Services has responded.
- o) "Incinerator Fire" means a fire that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size not larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, which fire is set for the purpose of burning refuse and is licensed by the Government of Alberta.
- p) "Regional Fire Chief" means the Fire Chief or the senior manager of the Bonnyville Regional Fire Authority, howsoever named, or his/her designate.
- q) "Regional Deputy Fire Chief" means the Deputy Fire Chief or Assistant Senior Manager of the Bonnyville Regional Fire Authority, howsoever named, or his/her designate.
- r) "Regional Deputy Chief - EMS" means the Deputy Chief - EMS or Assistant Senior Manager of the Bonnyville Regional Fire Authority, howsoever named, or his/her designate.
- s) "Fire Guardian" means the Reeve, Municipal Manager, each member of Council, Regional Fire Chief, Regional Deputy Fire Chief and any Member of the Bonnyville Regional Fire Authority or such other persons as Council may appoint from time to time.
- t) "Member" means any person who is a duly appointed or recruited member of the Fire Services whether that member is full time, part time, paid or volunteer.
- u) "Open Fire" means any fire which is not an acceptable Incinerator Fire, Fire Pit Fire, portable fire receptacle or Public Park Site Fire and which, without limiting the generality of the foregoing may include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.
- v) "Open Fire Permit" means a document in the form prescribed by the Forest and Prairie Protection Act or the Bonnyville Regional Fire Authority as applicable.
- w) "Peace Officer" means a police officer, police constable, bailiff, constable, or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process.
- x) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- y) "Prohibited Debris" means any material that when burned, will result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants in accordance with Provincial statutes and Municipal bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:
  - i. animal manure;
  - ii. chemicals and chemical containers;
  - iii. combustible material in automobile bodies;
  - iv. waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
  - v. non-wooden material;
  - vi. paints and painting materials;
  - vii. pathological waste;

- viii. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
  - ix. tires;
  - x. used oil; or
  - xi. wood or wood products containing substances for the purposes of preserving wood.
- aa) "Public Park Site Fire" means a fire on land owned or leased by the M.D. or its agents for recreational purposes and is confined to either a non-combustible container supplied by the M.D., or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane.
  - bb) "Running Fire" means a fire burning without being under the proper control of any person.
  - cc) "Violation Tag" means a tag or similar document issued by the M.D. pursuant to the Municipal Government Act, R.S.A. 2000 c. M-26.
  - dd) "Hamlet" means a recognized named area within the Municipal District of Bonnyville No. 87 as described in the Municipal District of Bonnyville No. 87 Municipal Development Plan including the following: Hamlet of Iron River, Hamlet of Lacorey, Hamlet of Cherry Grove, Hamlet of Beaver Crossing, Hamlet of Beaver Dam, Hamlet of Ardmore, Hamlet of Fort Kent, Hamlet of Therien and others that may be named from time to time.
  - ee) "Multi-Lot Country Residential Subdivision" means a residential subdivision in the countryside consisting of five (5) or more lots as defined in the M.D. of Bonnyville Municipal Development Plan.

### Section 3 - Fire Services

- 3.1 Fire services shall be provided by the Bonnyville Regional Fire Authority for the purposes of:
- a) preventing and extinguishing fires;
  - b) investigating the cause of fires 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 services;
  - e) preventing, combating and controlling incidents;
  - f) carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;
  - g) entering into agreements with other Municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
  - h) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property;
  - i) operation of a Public Safety Answer Point (PSAP) and emergency services communication centre;
  - j) enforcing the provisions of the Safety Codes Act RSA 2000 Chapter S-1 and its regulations.; and
  - k) provision of Emergency Medical Services.

### Section 4 - Designated Officers and Other Authorities

- 4.1 Council hereby delegates the following authorities to the Regional Fire Chief and the Regional Deputy Fire Chief of the Bonnyville Regional Fire Authority or any Member acting in their position.
- a) the Regional Fire Chief or the Regional Deputy Fire Chief or any Member acting in their position, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise

removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things;

- b) the Regional Fire Chief or the Regional Deputy Fire Chief or any Member acting in their position, is empowered to cause any Member to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the incident in whatever manner the Regional Fire Chief, or any other Member in charge at an incident, deems necessary;
  - c) the Regional Fire Chief or the Regional Deputy Fire Chief or any Member acting in their position, is authorized to issue permits, invoices for services provided, and any other document in the name of the M.D. which may be required for the efficient operation of fire services within the M.D. and whose issuance has been approved by the Bonnyville Regional Fire Authority Board of Directors and Council.
  - d) in an emergency, the Regional Fire Chief or the Regional Deputy Chief or any Member acting in their position may, on behalf of the M.D., 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 Regional Fire Chief or the Regional Deputy Fire Chief or any Member acting in their position, as Designated Officers of the M.D. are not subject to the direct control and supervision of the Municipal Manager. In the event the position of Regional Fire Chief, Regional Deputy Fire Chief or Regional Deputy EMS Chief is vacant, that vacancy shall be filled in accordance with the policies of the Bonnyville Regional Fire Authority.
- 4.2 The Regional Fire Chief or the Regional Deputy Fire Chief or any Member acting in their position is hereby designated a Fire Guardian of the M.D. and authorized to perform all or any of the duties of the M.D. as outlined in the Forest and Prairie Protection Act, as amended. Any expense incurred while fulfilling the duties of a Fire Guardian shall be borne by the M.D.
- 4.3 Fire Guardians, who are the Reeve, members of the Council, the Chief Administrative Officer, the Regional Fire Chief or the Regional Deputy Chief or otherwise appointed by the M.D. shall have 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 with the authorization of a member of Council, the Reeve, the Municipal Manager, the Regional Fire Chief or the Regional Deputy Fire Chief.
  - 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 and route, or the activities he proposes to carry out and the route he intends to follow on the public land.
  - e) a Fire Guardian may, in his discretion, issue to an applicant a fire permit in respect of any land within the boundaries of the M.D.
  - f) 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 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 his 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, these Bylaws or the policies of the Bonnyville Regional Fire Authority.
- 4.4 The Regional Fire Chief or the Regional Deputy Fire Chief or any Member acting in their position is hereby designated a Bylaw Enforcement Officer pursuant to section 555 of the Municipal Government Act and may, after they have taken the required oath, enforce the provisions of this Bylaw.
- 4.5 The Regional Fire Chief or his designate may seek the assistance of any department or official of the M.D. as he deems necessary to fulfill his duties hereunder.
- 4.6 The Regional Fire Chief or the Regional Deputy Fire Chief or any Member acting in their position who is a qualified Safety Codes Officer is hereby authorized to perform those obligations of the M.D. outlined in the joint Quality Management Plan #J000115 under the supervision of the Municipal Manager who is responsible for that Plan.
- 4.7 Upon approval of the Municipal Manager, the Regional Fire Chief may negotiate with the Provincial Government of Alberta, other Municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements with recommendations and concerns regarding the establishing or renewing of any mutual aid agreement of fire control agreement or amendments thereto.

#### **Section 5 - Fire Hazards**

- 5.1 If the Council, through the Bonnyville Regional Fire Authority, finds within its boundaries on privately owned land or occupied public land conditions that in the opinion of the Bonnyville Regional Fire Authority constitute a fire hazard, it may, through a Fire Guardian, order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the Council.
- 5.2 When Council, through the Bonnyville Regional Fire Authority, finds that the order made pursuant to section 5.1 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.
- 5.3 The owner or the person in control of the land on which work was performed pursuant to section 5.2 shall on demand reimburse the Council for the cost of the work performed and in default of payment the Council has a lien for the amount against the land and any improvements on it.

#### **Section 6 - Requirement to Report**

- 6.1 The owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Services particulars of the fire which are satisfactory to the Fire Services.
- 6.2 The owner or his 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 Services particulars of the release which are satisfactory to the Fire Services.

#### **Section 7 - Open Fires**

- 7.1 Between March 01 and October 31 of each year or at any other time designated by Council resolution, no person shall operate a Burning Barrel or permit an Open Fire or any other fire upon land owned, occupied or under his or her control within the M.D., unless a permit has been obtained, the provisions outlined on the permit are complied with, and burnable debris is burned.
- 7.2 Notwithstanding Section 7.1 a permit shall not be required under this Bylaw to conduct:
- a) the cooking of food using a portable appliance; or

- b) recreational burning or the cooking of food in Acceptable Fire Pits, Acceptable Portable Fire Receptacles or Acceptable Fireplaces, provided:
    - i. only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
    - ii. the fire pit or fireplace is not used to burn prohibited debris;
    - iii. a means, acceptable to the Fire Services, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
    - iv. a responsible adult is present on the property when the fire is burning; or
  - c) burning in fireplaces in or attached to dwellings as provided by legislation; or
  - d) the fire is a public park site fire in M.D. owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the M.D.; or
  - e) burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation; or
  - f) the fire has been set by Fire Services for the purpose of training; or
  - g) the fire has been otherwise authorized by the Fire Services.
- 7.3 No person shall set, permit or maintain any Open Fire at any time of the year such that the smoke emitted from the fire impairs visibility on a highway, or which in the sole discretion of the Fire Chief or His designate, becomes a nuisance or safety concern on any highway or property. The person who set, permitted or maintained such an Open Fire shall extinguish the fire immediately upon the order of the Regional Fire Chief or His designate. If the person who set, permitted or maintained such 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 Section 10 of this bylaw.
- 7.4 No person shall set, permit, maintain or operate a burning barrel at any time of the year within the boundaries of a hamlet or country residential subdivision for which the Municipal District of Bonnyville No. 87 provides residential garbage pick-up. The person who set, permitted or maintained such an Open Fire shall extinguish the fire immediately upon the order of a Fire Guardian, the Regional Fire Chief or His designate. If the person who set, permitted or maintained such 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 Section 10 of this bylaw.
- 7.5 No person shall 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 Peace Officer, Fire Guardian, the Regional Fire Chief or His designate. If the person who set, permitted or maintained such 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 Section 10 of this bylaw.
- 7.6 No person shall set, permit, maintain or operate an open fire for the purpose of land clearing at any time of the year within a Multi-Lot Country Residential Subdivision that has occupied dwelling units located within the subdivision or an adjacent subdivision within 1200 metres. The person who set, permitted or maintained such an Open Fire shall extinguish the fire immediately upon the order of a Peace Officer, Fire Guardian, the Regional Fire Chief or his designate. If the person who set, permitted or maintained such 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 Section 10 of this bylaw.

### **Section 8 - Procedure to Obtain Open Fire Permit**

- 8.1 Any person wishing to obtain an Open Fire Permit for any area within the M.D. excepting a Forest Protection Area, must apply to a Fire Guardian

appointed by the M.D. at a location or locations and during a time period to be determined by the M.D. from time to time.

- 8.2 Each application for an Open Fire Permit must be on the form required by the Forest and Prairie Protection Act as determined from time to time or approved by the Bonnyville Regional Fire Authority.

Each application and Open Fire Permit shall contain the following information:

- a) the name, address and telephone number, if applicable, of the applicant,
- b) the reason an Open 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 which will be burned,
- e) any precautions which will be taken by the applicant to maintain control of the fire,
- f) the time for which the Open Fire Permit will remain valid,
- g) the signature of the applicant and the issuing Fire Guardian.

- 8.3 A Fire Guardian may, in his sole discretion, terminate or suspend an Open Fire Permit or application at any time.

- 8.4 Upon request for a permit, Fire Guardian shall consider the permit application, and may in his sole discretion:

- a) refuse to grant a permit;
- b) grant a permit with or without terms and conditions as deemed appropriate; or
- c) determine that a permit is not required.

- 8.5 The permit fee shall be as set out in Appendix "A" and shall be paid upon approval of the permit application.

- 8.6 A permit shall not be transferable.

- 8.7 Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian and the Open Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.

- 8.8 The Fire Guardian may extend in writing the period of time that an Open Air Fire Permit is valid provided the Fire Permit has not expired.

## **Section 9 - Fireworks**

- 9.1 Except as permitted by Sentence (9.2), this Section shall apply to the sale and discharge of fireworks and pyrotechnic devices.

- 9.2 This Section shall not apply to a person who possesses or discharges fireworks commonly used as distress flares.

- 9.3 Discharge. No person shall discharge, fire or set off fireworks from, on or over public land as defined in the Public Lands Act, or a forest protection area designated under the Forest and Prairie Protection Act.

- 9.4 Activities. No person shall discharge, fire or set off fireworks

- a) in a place or in a manner that creates a danger or constitutes a nuisance to any person or property,
- b) on a highway, road allowance, public beach or park unless they first obtain written permission from the Fire Services,
- c) on privately owned land unless they first obtain the written consent of the owner or occupant of that land and the owner or occupant of neighbouring land on which debris might reasonably be expected to fall, and provide a copy of the consent to the fire services,



- d) in a building or place, unless the fireworks are specifically designed and clearly marked by the manufacturer for such use, and the building or place is acceptable to the fire services,
- e) within 10 m of any building, tent, trailer, canvas shelter or motor vehicle,
- f) within 200 m of any place where explosives or flammable liquids or combustible liquids or substances are manufactured or stored,
- g) within 250 m of a facility as defined in the Mental Health Act, a nursing home within the meaning of the Nursing Homes Act, a social care facility as defined in the Social Care Facilities Licensing Act, a hospital as defined in the Hospitals Act, an educational institution or a church, unless acceptable to the fire services, or
- h) when the wind velocity exceeds 45 km/hr or when, in the opinion of the fire services, weather conditions create an undue fire hazard.
- i) the fire services or Peace Officer is permitted to require a person to cease the discharging, firing or setting off of fireworks when considered necessary to do so for reasons of safety.

#### 9.5 Authority

- a) the fire services, Peace Officer or Forest Officer in the forest protection area, is permitted to seize, take, remove or cause to be seized, taken or removed any fireworks offered or exposed for sale or being held or used contrary to this bylaw.
- b) where fireworks are seized in accordance with 1a) above, the fire services, Peace Officer or Forest Officer in the forest protection area, shall dispose of them in a safe manner.

#### 9.6 Fireworks Permits

- a) no person shall
  - i. purchase, possess, handle, discharge, fire or set off fireworks unless a permit issued by the fire services for that purpose has been obtained, or
  - ii. discharge, fire or set off fireworks in a forest protection area unless written permission issued by a forest officer for that purpose has been obtained.
- b) a permit
  - i. shall specify the date, time and location on which the fireworks are to be discharged, and
  - ii. is permitted to contain any other terms and conditions the fire services considers necessary to ensure the safe use of the fireworks.
- c) permits
  - i. shall not be granted under this Section in respect to high-hazard fireworks unless the applicant possesses a fireworks supervisor card issued pursuant to the "Explosives Act" and its Regulations, published by Natural Resources Canada.

#### 9.7 Fireworks Sales

- a) no person shall sell, offer for sale or store for the purpose of sale, fireworks unless
  - i. A permit is obtained from the fire department for the sale and storage, and
  - ii. the building or place used for the sale or storage conforms to Part 3 of the Alberta Fire Code.
- b) a person who sells fireworks or offers them for sale shall ensure that
  - i. the manufacturer's instructions on the safe use of fireworks are provided with each sale,

- ii. notices acceptable to the fire services are posted at the sales outlet outlining the instructions referred to in Clause (i),
- iii. the person purchasing fireworks has a permit or written permission of the Authority Having Jurisdiction for the municipality in which the fireworks will be discharged,
- iv. a record of each sale is kept on the premises where the sale occurs for a period of not less than two years following the date of the sale, and shows
  - a) the date of the sale,
  - b) the name, address and phone number of the purchaser,
  - c) a description of the fireworks sold,
  - d) the date and time the fireworks will be discharged, and
  - e) the location and a description of the site where the fireworks will be discharged.
- v. a person who sells fireworks or offers them for sale shall make available the record to a peace officer or the fire services upon request.
- vi. the Fire Services may cancel any permit for the sale of fireworks if the permit holder is found to be in contravention of any of the requirements of this bylaw or the Alberta Fire Code.

#### 9.8 Age Requirement

- a) no person who is under 18 years of age shall purchase, possess, handle, discharge, fire or set off fireworks.
- b) no person shall sell or give fireworks to a person under the age of 18 years.

#### 9.9 Discharging

- a) no person shall discharge fireworks in contravention of the requirements for discharge in the Alberta Fire Code.

#### 9.10 High-Hazard Display

- a) no person shall discharge high-hazard fireworks in contravention of the requirements for discharge in the Alberta Fire Code.

### Section 10 - Recovery of Costs

- 10.1 Where the Fire Services has taken any action whatsoever for the purpose of the Fire Services; site inspections for regulated occupancies; requested site inspections and required fire investigations; business inspections; file search; report copies; duplicate of photograph; photocopy of photograph; permit to sell fireworks (low level or shop goods); permit to discharge fireworks (low level or shop goods); permit to discharge fireworks (high level) site inspection or permit for flammable or combustible fuel tank installation; site inspection and permit for flammable or combustible fuel tank removal, an Open Fire Permit, the permit fee as set out in Appendix "A" shall be paid to the Fire Services.
- 10.2 Where Fire Services has extinguished a fire or responded to a fire call or incident within the M.D. for the purpose of preserving life or property from injury or destruction by fire or other incident, including any such action taken by the Fire Services on a False Alarm, or pursuant to section 7.3, the M.D., may in respect of any costs incurred by the Fire Services in taking such action, charge any costs so incurred by the Fire Services to:
  - a) the person who caused the incident;
  - b) the owner of the land or the person in possession where the Incident occurred; or
  - c) the owner of property where the person in possession and control of property which is the situate of the incident if not located on privately owned land.
- 10.3 The schedule of fees and charges to be charged by the Fire Services for services rendered pursuant to this Bylaw shall be as set out in Appendix "A", an appendix to this Bylaw. The fees and charges set out in Appendix "A" may be determined from time to time by the Fire Services upon approval by the Bonnyville Regional Fire Authority Board and ratification by Council.

- 10.4 In respect of the fees or charges described in Sections 10.1, 10.2 and 10.3:
- a) the M.D. may recover such fees or charges as a debt due and owing to the M.D.; or
  - b) in the case of action taken by the Fire Services in respect of land within the M.D., where the fees or charges are not paid upon demand by the M.D., then in default of payment, such fees or charges may be charged against the land as taxes due and owing in respect of that land.

#### Section 11 - Offences

- 11.1 No person shall contravene any provision(s) of this bylaw.
- 11.2 Any person who ignites, fuels, supervises, maintains or permits an Open Fire or Incinerator Fire within the M.D. without a valid Permit as required by this Bylaw is guilty of an offence.
- 11.3 When a fire is lit or ignited without the appropriate permit, except a fire described in Section 7.2, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
- a) extinguish the fire immediately; or
  - b) where he is unable to extinguish the fire immediately, report the fire to Fire Services.
- 11.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee, kindle a fire, whether a permit was obtained for that fire or whether the fire did not require a permit, and let it become a Running Fire on any land including his own property or allow a Running Fire to pass from his property, or property under his control, to the property of another.
- 11.5 No person shall:
- a) light an Open Fire, Incinerator Fire, Burning Barrel Fire, Acceptable Fire Place fire, Acceptable Fire Pit or Acceptable Portable Fire Receptacle fire without first taking sufficient precaution to ensure that the fire can be kept under control at all time;
  - b) light an Open Fire, Incinerator Fire, Burning Barrel Fire, Acceptable Fire Place fire, Acceptable Fire Pit or Acceptable Portable Fire Receptacle fire when the weather conditions are conducive to creating a Running Fire or when Fire Services or another authorized agency has announced a ban on burning;
  - c) burn in an Acceptable Fire Pit, Acceptable Fire Place, Acceptable Portable Fire Receptacle or Public Park Site 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) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire and from spreading onto land other than his own;
  - e) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
  - 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 or Open Fire, unless he exercises reasonable care to prevent such a fire from occurring;
  - g) provide false, incomplete or misleading information to the M.D. or to Fire Services on or with respect to an Open Fire Permit Application;
  - h) interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property;
  - i) interfere with the operation of any Fire Services equipment or apparatus required to extinguish fires or preserve life or property;
  - j) damage or destroy any Fire Services property;

- k) falsely represent himself as a Fire Services Member or wear or display any uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
  - l) sell, offer for sale or store for the purpose of sale, fireworks without a permit from the Fire Services;
  - m) sell, offer for sale or transfer possession of fireworks to a person who does not possess a permit from the Fire Services or written permission from the Authority Having Jurisdiction in the municipality in which the fireworks will be discharged;
  - n) sell or transfer possession of fireworks to a person under the age of 18 years;
  - o) discharge fireworks in contravention of the requirements of this bylaw or the Alberta Fire Code; and
  - p) no person shall set, permit, maintain or operate a burning barrel at any time of the year within the boundaries of a hamlet or country residential subdivision for which the Municipal District of Bonnyville No. 87 provides residential garbage pick-up.
- 11.6 No person shall use fire to burn Prohibited Debris including material that will result in the production of dense black smoke such as insulation from the electrical wiring or equipment, asphalt roofing materials or hydrocarbons except as may be approved in writing by Council.
- 11.7 Nothing in this Bylaw shall be interpreted to authorize any fire, burning or other act which is in contravention of the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E- 12 and amendments thereto, or any regulation made thereunder.

#### Section 12 - Penalties

- 12.1 A person who contravenes or fails to comply with any condition in a permit or with any order or request directed to him pursuant to this Bylaw is guilty of an offence and liable to a fine of not less than \$500.00 and not more than \$5000.00.
- 12.2 Where a person:
- a) contravenes section 7.3, 7.4, 7.5, 7.6, 11.3, 11.4 or 11.5(e) of this Bylaw, that person shall be liable to Fire Services and the M.D. for the entire cost of any type of emergency response and mitigation service required to bring the fire under control, whether that service was provided by Fire Services or the M.D. or by a third party person or agency; and
  - b) the M.D. may recover such fees or charges as a debt due and owing to the M.D.; or
  - c) in the case of action taken by the Fire Services in respect of land within the M.D., where the fees or charges are not paid upon demand by the M.D., then in default of payment, such fees or charges may be charged against the land as taxes due and owing in respect of that land.
- 12.3 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who that Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. A Violation Tag may be issued to such persons:
- a) either personally; or
  - b) by mailing a copy to such person at his last known post office address.
- 12.4 The Violation Tag shall be in the form approved by the M.D. and shall state:
- a) the name of the person;
  - b) the offence including a reference to the relevant section of this Bylaw;
  - 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; and
  - e) any other information as may be required by the M.D. or by Fire Services.
- 12.5 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues and each calendar day constitutes a new and separate additional offense.
- 12.6 Where a Violation Tag is issued pursuant to this bylaw, the person or corporation to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the M.D. the penalty specified on the Violation Tag as outlined on Appendix "A" hereto, provided that such payment is made in cash or by cheque before the initial court appearance date outlined on the Violation Tag.
- 12.7 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a summons pursuant to the Provincial Offences Procedures Act, R.S.A. 2000, c.P-34, as amended, for the mandatory Court appearance of any person who contravenes any provisions of this Bylaw.
- 12.8 Any fine or penalty imposed pursuant to this section enures to the benefit of the M.D.

**Section 13 - Violation Ticket**

- 13.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to ~~the~~ Provincial Offences Procedure Act Chapter/Regulation: P-34 RSA 2000, as amended.
- 13.2 Any fine or penalty imposed pursuant to this section enures to the benefit of the M.D.

**Section 14 - Severability**

- 14.1 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 15**

- 15.1 Bylaw 1522 and amendments thereto are hereby repealed.
- 15.2 This bylaw shall come into force and effect on the date of the third and final reading and signing thereof.

READ A FIRST TIME IN COUNCIL THIS 26<sup>TH</sup> DAY OF JULY ,2017.

READ A SECOND TIME IN COUNCIL THIS 23 DAY OF AUGUST ,2017.

READ A THIRD TIME AND FINALLY PASSED THIS 23 DAY OF AUGUST ,2017.

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

August 23, 2017  
Date Signed

## Appendix "A"

### Fire Services

#### Schedule of Fees

#### Response Fee:

Pumper Unit	As per the Alberta Transportation schedule of fees for on highway emergency response
Tanker Unit	As per the Alberta Transportation schedule of fees for on highway emergency response
Emergency Rescue Unit	As per the Alberta Transportation schedule of fees for on highway emergency response
Rapid Response Unit	As per the Alberta Transportation schedule of fees for on highway emergency response
Command Unit	As per the Alberta Transportation schedule of fees for on highway emergency response

**Standby Fee:** \$ 500.00/unit per day or part day plus Manpower

#### Manpower Fee:

Full Time	\$ 45.00
Volunteer	\$ 35.00

#### Response fees may apply for the following types of responses:

- a) vehicle fires or vehicle extrication;
- b) grass fires on railway right-of-way;
- c) grass fires in ditches or median on numbered highways (eg. Highway # 28);
- d) any other response that may warrant a fee charge;
- e) canceled calls;
- f) automatic alarms caused by alarm system malfunction;
- g) standby for dangerous goods incidents and controlled burns.

#### Other Fees:

1.	Violation tag section 12	1st offence	\$250.00
		2nd offence	\$500.00
2.	File search (fire inspections and investigations)		\$ 75.00 per search \$ 4.00 per copy
3.	Open Fire Permits		\$100.00 per permit
4.	Fire Pit Permit to Construct		\$ 50.00 per permit
5.	Fire Works Permit (no charge to nonprofit groups)		\$ 10.00 per permit
6.	Fire works Storage and Sales Permit		\$100.00 per year
6.	Occupancy Load Certificates (licensed premises)		\$ 75.00 per certificate
7.	Hydrant flow tests and related data		\$250.00 per hour
8.	Fire investigation services		\$ 75.00 per hour
9.	Investigation photos		\$ 5.00 per copy
10.	Air refills (breathing air)		\$ 16.00 per 30 min. cylinder \$ 40.00 per cascade cylinder
11.	Above ground and underground tank removal and installation inspections		\$ 100.00 per hour
12.	Fire Inspections requested by owner or insurance company		\$ 100.00 per hour
13.	Re-inspection with outstanding Fire Code Violations		\$ 75.00 per visit