

OFFICE CONSOLIDATION

BYLAW C-7140-2012

A Bylaw of Rocky View County in the Province of Alberta, for the purpose of establishing and operating a Fire Service, authorizing the prevention and control of Fires and authorizing the imposition and recovery of related fees, expenses and charges.

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 Sections 7 and 8 of the *Municipal Government Act* provide that Council of a Municipality may pass bylaws establishing a system of licences, permits or approvals including the establishment of fees; and

WHEREAS Rocky View County has been accredited by the Safety Codes Council pursuant to the *Safety Codes Act*, R.S.A. 2000, c.S-1; as amended, and is authorized to perform services and enforce the provisions of the *Safety Codes Act*; and

WHEREAS Rocky View County Fire Services is a composite fire service comprised of full time, part time and volunteer firefighters, the safety of residents and firefighters is paramount, therefore Rocky View Fire Services will primarily engage in rescue and basic exterior fire suppression and defensive firefighting activities; and

WHEREAS the Council of Rocky View County recognizes that the *Forest and Prairie Protection Act*, R.S.A. 2000, c.F-19, as amended makes the Council of Rocky View County responsible to fight and control all Fires within the boundaries of the County, other than areas contained in a forest protection area; and

WHEREAS the *Forest and Prairie Protection Act*, as amended, grants certain additional powers which may be enacted by the Council of a Municipality so it can enforce the provisions of the *Forest and Prairie Protection Act*; and

WHEREAS the Council of Rocky View County pursuant to the powers granted to it under the *Municipal Government Act* and the *Forest and Prairie Protection Act* wishes to provide for the prevention, regulation and control of the lighting of Fires within the County; and

WHEREAS the Council of Rocky View County recognizes that it is not possible to provide the same level of fire protection services to all areas and persons within the County given limited resources, competing demands for resources, and the geographic size of the County;

NOW THEREFORE the Council of Rocky View County 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. “Apparatus” means any vehicle operated by or for the Fire Services Section, whether that vehicle operates on land, in the air or on water.
- b. “Burnable Debris” means those materials permitted to be burned in accordance with applicable statutes and regulations and this Bylaw and shall include but is not limited to materials described as:
 - i. wood material from the construction or demolition of buildings which does not contain wood preservatives;
 - ii. wood material which does not contain wood preservatives or laminates;
 - iii. solid waste from sawmills or planing mills with an annual production of less than 6500 cubic metres of lumber;
 - iv. solid waste from post and pole operations that does not contain wood preservatives or;
 - v. solid waste from tree harvesting operations.
- c. “Council” means the Council of Rocky View County.
- d. “County” means Rocky View County together with its jurisdictional and geographical boundaries.
- e. “County Manager” means that individual appointed to the position of chief administrative officer for the County by Council in accordance with the provisions of the ***Municipal Government Act***.
- f. “Dangerous Goods” means a product, substance or organism included by its nature or by the regulations in any of the classes listed in the Schedule to the ***Dangerous Goods Transportation and Handling Act***, R.S.A. 2000, c.D-4.
- g. “Demand Zone” means areas used to define or limit the management of a risk situation. (NFPA 1720 - 3.3.11*)
- h. “Deputy Fire Chief” means the individual(s) appointed as Deputy Fire Chief in accordance with the Fire Services Manual.
- i. “District” means a defined area within the Fire Protection Area as set by the Fire Chief.

- j. “Emergency Operating Guidelines” means those guidelines approved by the Fire Services Section, as may be amended or replaced from time to time.
- k. “Equipment” means any tools, contrivances, devices or materials used by Fire Services to combat an Incident or other emergency.
- l. “False Alarm” means any notification to the Fire Services Section or any Member thereof respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or property, wherein such a condition, circumstance or event is in fact not in existence.
- m. “Fee for Service Agreement” means an agreement that is approved by Council for the provision of Fire Protection Services to a requesting party by the Rocky View Fire Services Section.
- n. “Fire” means the burning of any flammable or combustible material or any combustible material in a state of combustion.
- o. “Fire Ban” means any order from the Province or from the Fire Chief in accordance with Part 13.1 of this Bylaw which prohibits Fires in all or any part of the County.
- p. “Fire Chief” means the individual appointed as head of the Fire Services Section in accordance with the Fire Services Manual.
- q. “Fire Chief’s Office” means the Fire Chief and any Deputy Fire Chiefs.
- r. “Fire Guardian” means:
 - i. any individual deemed a Fire Guardian under the ***Forest and Prairie Protection Act***, and
 - ii. any individual appointed as a Fire Guardian by Council Resolution in accordance with the ***Forest and Prairie Protection Act***;
- s. “Fire Hazard” means any condition, circumstance or event that increases the possibility and/or probability of Fire occurrence.
- t. “Fire Permit” means a permit issued by a Fire Guardian pursuant to the ***Forest and Prairie Protection Act*** or this Bylaw or both allowing for the setting of Fires within the County.
- u. “Fire Protection Area” means the geographical area where Fire Services are to be provided, as outlined in the map that appears as Schedule “A”.
- v. “Fire Protection Services Agreement” means an executed agreement in writing between the County and:
 - i. any one or more neighboring municipalities or First Nations whose municipal boundaries are surrounded by or adjacent to the County; or
 - ii. any one or more privately owned and operated emergency services;

which provides for the provision of Fire Protection Services to be delivered on behalf of the County in the event of an Incident within the boundaries of the County as contemplated in Section 7 of this Bylaw.

- w. “Fire Service Manual” means the “Fire Services Rules and Regulations Manual Part II of II”.
- x. “Fire Services Section” means the Rocky View County Fire Services Section responsible for providing Fire Protection Services in accordance with this Bylaw and includes the Fire Chief, Deputy Fire Chiefs, all Officers and Members.
- y. “Fire Protection Charge” means the fees and charges payable pursuant to this Bylaw as set out in the Master Rates Bylaw¹.
- z. “Fire Protection Service” or “Fire Protection” means any aspect of Fire safety as may be determined by Council from time to time including, but not limited to Fire prevention, Fire suppression, Fire investigation, Fire permitting, rescue services, attendance at motor vehicle collisions, standby services, public education and information, training and staff development.
- aa. “Fireworks” or “Firecracker” means any article defined as a firework or firecracker pursuant to the **Canada Explosive Act** or regulations thereto as well as the **Alberta Fire Code**, as amended, repealed and replaced from time to time.
- bb. “**Forest and Prairie Protection Act**” means the **Forest and Prairie Protection Act**, R.S.A. c. F-19.
- cc. “General Manager” means that individual employed by the County in the position for the purpose of managing the County’s Community Services Department.
- dd. “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.
- ee. “Incident” means a Fire or a situation where a Fire or an explosion is or may be imminent or any other situation presenting a danger or possible danger to life or property and to which Fire Services has responded.
- ff. “Incident Commander” means that Member of the Fire Services Section responsible for Fire Service resources and actions at an Incident in accordance with the Fire Services Manual.
- gg. “Incinerator” means a non-combustible structure or container that has the draft and smoke vents thereof covered with a regulation screen which is ventilated in such a manner as to preclude the escape of combustible materials including ash and is used for the purpose of burning burnable debris.
- hh. “Incinerator Fire” means a Fire that is confined within an incinerator.

¹ Bylaw Amendment C-7444-2015 – July 14, 2015

- ii. “Initial Inspection” means an inspection completed for the initial occupancy of a structure or after a major renovation of a structure.
- jj. “Inspection” means any fire inspection other than the Initial Inspection.
- kk. “Level of Service” means that level of Fire Protection Service approved by Council as outlined in Schedule “D” to this Bylaw.
- ll. Master Rates Bylaw means the Master Rates Bylaw as amended from time to time².
- mm. “Member” means any individual who is a duly appointed member of the Fire Services Section including the Fire Chief, Deputy Fire Chiefs, Officers, full-time, part-time, casual and volunteer members.
- nn. “**Municipal Government Act**” means the **Municipal Government Act**, R.S.A. 2000 Chapter M-26.
- oo. “Mutual Aid Agreement” means an executed agreement in writing between the County and any one or more neighboring municipalities or First Nations whose municipal boundaries are surrounded by or adjacent to the County, which describes the reciprocal provision of Fire Protection Service in the event of an Incident where the assistance of other agencies is required.
- pp. “Officer” means the Fire Chief, Deputy Fire Chiefs or other Member having a supervisory position in accordance with the Fire Services Manual.
- qq. “Order” means an order issued pursuant to the **Forest and Prairie Protection Act** or this Bylaw.
- rr. “Outdoor Fire” means any Fire other than that defined as an Incinerator Fire or Structure Fire and shall include Fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or any Fire that has escaped or spread from a building, structure, machine, vehicle or Incinerator.
- ss. “Peace Officer” means any member of the Royal Canadian Mounted Police or Community Peace Officer employed by the County.
- tt. “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- uu. “Prohibited Debris” means any material that when burned, will result in the release to the atmosphere of dense smoke, offensive odors or a substance, the release of which is regulated, prohibited or controlled by the Environmental Protection and Enhancement Act, R.S.A. 2000, c.E-12 or regulations thereunder and includes but is not limited to:
 - i. animal carcasses;

² Bylaw Amendment C-7444-2015 – July 14, 2015

- 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;
 - x. rubber or plastic or anything containing or coated with rubber or plastic or similar substances;
 - xi. solid waste from sawmills or planing mills with an annual production in excess of 6500 cubic metres of lumber, unless an authorized Fire Permit has been approved;
 - xii. tires;
 - xiii. used oil; or
 - xiv. wood or wood products containing substances for the purposes of preserving wood.
- vv. “Quality Management Plan” (QMP) means the Quality Management Plan approved by Council for providing Fire Protection Services within the County.
- ww. “Recreational Fire” means a Fire confined to a non-combustible container which is set for the purpose of cooking, obtaining warmth or viewing for pleasure. Such Fire may only be fueled with seasoned non-treated wood, charcoal, natural gas or propane.
- xx. “Remote Area” means a geographical area that requires a travel distance of at least 8 miles from a fire station to provide emergency services. (NFPA 3.3.4.1)
- yy. “Restricted Burn Area” means an area within the County as designated by the Fire Chief’s Office and Council where Fires are restricted.
- zz. “Running Fire” means a Fire burning without being under the proper control of any person.
- aaa. “Rural Area” means an area with fewer than 500 people per square mile. (NFPA 3.3.4.2)
- bbb. “Specified Penalty” means a penalty specified in Schedule “B” of this Bylaw for committing an offence under this Bylaw.
- ccc. “Safety Codes Officer” (SCO) means a member who is accredited in the Fire discipline and designated as such pursuant to the **Safety Codes Act**, R.S.A. 2000, c.S-1 and any amendments thereto.
- ddd. “Staffed Hall” is a fire hall within the County that is staffed continuously with a combination of full time and part time Members who remain at the hall or with the Apparatus for the duration of the shift.

- eee. "Violation Ticket" means a violation ticket under Part 2 of the ***Provincial Offences Procedure Act***, R.S.A. 2000, c.P-34.
- fff. "Volunteer Hall" means a fire hall within the County that is staffed by Members who live or work within the community and who will respond to the hall when paged to do so.

SECTION 3 FIRE SERVICES

- 3.1 Council hereby continues to operate the Rocky View Fire Services Section as set forth in this Bylaw for the purpose of:
 - a. providing Fire Protection Services;
 - b. preventing, combating and extinguishing Fire and Incidents;
 - c. investigating the cause and origin of Fires and Incidents;
 - d. preserving life and Property and protecting persons and Property from injury or destruction by Fire or Incident;
 - e. operating Apparatus and Equipment for the purpose of extinguishing Fires or Incidents and preserving life and Property;
 - f. fulfilling obligations under approved Fire Protection Agreements;
 - g. providing public education about Fire Safety;
 - h. carrying out Fire Inspections;
 - i. pre-Fire and emergency planning and Practice;
 - j. providing first aid response to medical incidents in support of Alberta Health Services EMS Units; and
 - k. providing rescue services.
- 3.2 Fire Protection Services shall be performed by the Fire Services Section to the Level of Service and in accordance with the Emergency Operating Guidelines, none of which shall be inconsistent with the legislation and regulation of the Province of Alberta.
- 3.3 The Fire Services Section shall consist of such Members, personnel, buildings, Apparatus and Equipment as deemed appropriate by Council given the resources available to Council for the protection of persons and property from Fire and other Incidents.
- 3.4 No part of the Fire Services Section, Apparatus or Equipment shall be used beyond the boundaries of the Fire Protection Area without:
 - a. the express authorization by way of Mutual Aid Agreement or other written agreement or contract authorized by Council providing for the supply of Fire Protection outside the Fire Protection Area boundaries; or
 - b. the approval of the County Manager or his/her designate.

SECTION 4 OFFICERS AND OTHER AUTHORITIES

Fire Chief Duties

- 4.1 The Fire Chief has the authority, duties and responsibilities as established under this Bylaw, the Fire Services Manual and any other applicable federal, provincial or municipal legislation, bylaw, policies or procedures.
- 4.2 The Fire Chief shall be appointed by the General Manager in accordance with the Fire Services Manual.
- 4.3 The Fire Chief has complete responsibility and authority over the Fire Services Section, subject to the direction and control of the General Manager, County Manager and Council. In particular, the Fire Chief has the authority to direct the Fire Services Section and its Members to carry out all Fire Protection Service activities in accordance with this Bylaw, the Fire Services Manual and any other applicable federal, provincial or municipal legislation, bylaws, rules, policies or procedures.
- 4.4 Subject to the approval of the General Manager and the ratification of Council, the Fire Chief may establish policies and procedures as necessary for the proper organization and administration of the Fire Services Section including, but not limited to:
 - a. use, care and protection of Fire Service property;
 - b. conduct, performance and discipline of Members;
 - c. efficient operations of the Fire Service;
 - d. Member training; and
 - e. establishing, implementation and execution of Emergency Operating Guidelines.

All such policies and procedures shall be consistent with applicable legislation and regulations in force in the Province of Alberta.

Officer and Member Appointment and Responsibilities

- 4.5 Officers shall be appointed to the Fire Services Section in accordance with the Fire Services Manual and shall have all the authority, duties and responsibilities as established under this Bylaw, the Fire Services Manual and any other applicable federal, provincial or municipal legislation, bylaws, policies or procedures.
- 4.6. Members shall be appointed to the Fire Services Section in accordance with the Fire Service Manual and shall have all the authority, duties and responsibilities as established under this Bylaw, the Fire Services Manual and any other applicable federal, provincial or municipal legislation, bylaws, policies or procedures.

Powers of Incident Commanders

- 4.7 The Incident Commander shall have control, direction and management of any Fire Service Apparatus, Equipment, Member or manpower assigned to an Incident and he or she shall continue to act until relieved by an Officer authorized to do so.

- 4.8 The Incident Commander may at his or her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her.
- 4.9 The Incident Commander is empowered to enter and to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an Incident, including:
- a. passing through or over buildings or property adjacent to an Incident and to causing Members of the Fire Service and the Apparatus and Equipment of the Fire Service to enter or pass through or over the building or property;
 - b. ordering the evacuation of any building or area which is directly or indirectly involved in an Incident.
 - c. causing a building, structure or thing to be pulled down, demolished or otherwise removed; and
 - d. upon extinguishment of a Fire or resolution of an Incident, access, enter, pass through or over buildings or property adjacent to a Fire or Incident and cause a building, structure or thing to be pulled down, demolished or otherwise removed in accordance with the **Safety Codes Act**, R.S.A. 2000, c.S-1, as amended and any regulations thereto.

SECTION 5 PROPERTY IDENTIFICATION

- 5.1 The municipal address of any property shall be prominently displayed in accordance with Section 2(c) of Bylaw C-5477-2003, as amended from time to time, which states that a municipal address must be:

a clearly visible panel with the following specifications; numbers are not to be less than 2.75 inches in size, mounted on a light reflective panel not less than 8 inches by 12 inches, letters and panel are to be in contrasting colors and the sign is to be clearly posted at the access/entrance of the property clearly visible.

SECTION 6 INSPECTION

- 6.1 The Fire Chief is a designated officer of the County for the purpose of carrying out any inspection, remedy, enforcement or other action required to be undertaken with respect to enforcing this Bylaw.
- 6.2 The Fire Chief shall refer the enforcement of the **Safety Codes Act** respecting the Fire discipline to the Safety Codes Officers in accordance with the Quality Management Plan.
- 6.3 The Fire Chief shall determine the frequency of Inspections for each building, structure, or place within the County based on the criteria for Inspections as listed in the Quality Management Plan.
- 6.4 Notwithstanding 6.2 above, the Fire Chief or his/her designate may at any time, inspect any building, structure, or place for the purpose of enforcing this Bylaw, whether or not a complaint regarding that building, structure, or place has been made.

- 6.5 All inspections required to be undertaken pursuant to this Bylaw shall be in accordance with Section 542 of the ***Municipal Government Act***.

SECTION 7 FIRE PROTECTION SERVICES AGREEMENTS

- 7.1 All Fire Protection Services Agreements shall be negotiated by the General Manager and the Fire Chief and shall be approved by Council. Council may in its sole discretion amend any Fire Protection Services Agreement.

Subject to Council's discretion, all Fire Protection Services Agreements must contain the following provisions:

- a. the jurisdiction of the Fire Chief extends throughout the boundaries of the County, including the designated service area;
- b. the Fire Chief is authorized to designate the rights and responsibilities of any person providing services to the County under a Fire Protection Services Agreement;
- c. the Level of Service provided by any contracted party must be equal to or better than the Level of Service established by the County for the designated service area;
- d. the Emergency Operating Guidelines of any contracted party must be equal to or better than the Emergency Operating Guidelines of the County for the designated service area;
- e. Apparatus and Equipment under the direction and control of a contracted party shall only be used within the designated service area; and
- f. the County may set fees that contracted parties may charge for the provision of Fire Services Protection within the designated service area.

SECTION 8 SERVICE OF ORDERS

- 8.1 Any Order provided for in this Bylaw shall be in writing.

- 8.2 Service of any Order provided for in this Bylaw may be made as follows:

- a. personally upon the Person to be served; or
- b. by mailing the copy to the Person to be served by registered mail to the last known post office address of the Person to be served and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the Person to be served or to any Person receiving it on his or her behalf;
- c. where the property is not occupied, by mailing the notice by registered mail to the mailing address for the registered owners of the property noted on the County's tax roll for the property and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the Person to be served or to any Person receiving it on his or her behalf; or
- d. as directed by a Court having jurisdiction.

SECTION 9 FIRE PROTECTION CHARGES

- 9.1 Upon the County issuing an Order, taking steps under Section 14.2 or upon the Fire Service Section providing Fire Protection Services to property within or outside the County's boundaries, resulting in the County incurring fees, expenses or charges, the County may at its sole and absolute discretion charge any or all of the following Persons, namely:
- a. the person causing or contributing to the Fire; or
 - b. the owner and/or occupant of the property which is the subject of the Order, upon which the Fire originated or to which Fire Protection Services were provided,
- a Fire Protection Charge and all Persons charged are jointly and severally responsible for payment of the Fire Protection Charge to the County.
- 9.2 Without limiting the foregoing, a Fire Protection Charge may be imposed on the owner and/or occupant of property which is the subject of a False Alarm.
- 9.3 A Fire Protection Charge shall be paid within thirty (30) days of receipt of the Fire Protection Charge invoice by the Person being charged.
- 9.4 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction and any civil action does not invalidate any lien which the County is entitled to place on the property in respect of which the indebtedness is incurred.
- 9.5 The owner of a parcel to which Fire Protection Services are provided is liable for all Fire Protection Charges incurred and the County may add to the tax roll of a parcel of land all unpaid Fire Protection Charges and interest charges accrued.
- 9.6 Any Person who has had Fire Protection Charges imposed under this Section may request the review of the imposition of the Fire Protection Charges to Council by filing a written request for review of the Fire Protection Charge by Council. The written request for review must be made within 14 days from the date upon which the Fire Protection Charges were received by the Person requesting the review. The written request for review must set out the reasons for the request. Within 30 days of receiving the request for review, Council shall review the request and make a decision. Upon reviewing the written request and considering any information Council deems relevant, Council may, in its absolute discretion, do any or all of the following:
- a. uphold the Fire Protection Charges;
 - b. modify, waive or vary the Fire Protection Charges in whole or in part; and
 - c. set terms for payment of the Fire Protection Charges.
- 9.7 Council's decision shall be provided to the person who made the request for review in writing.

SECTION 10 POWERS OF FIRE GUARDIANS

- 10.1 Each year before the first of March, the Council shall appoint a sufficient number of Fire Guardians to enforce the provisions of the ***Forest and Prairie Protection Act*** and this Bylaw within the boundaries of the County.
- 10.2 Each Fire Guardian shall have authority and power to:
- a. exercise all powers prescribed for Fire Guardians within the ***Forest and Prairie Protection Act***;
 - b. issue Fire Permits in respect of any land within the County pursuant to Section 11 of this Bylaw;
 - c. issue a Fire Permit unconditionally or impose conditions upon the Fire Permit which the Fire Guardian considers appropriate;
 - d. suspend or cancel at any time a Fire Permit and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any Fire set pursuant to his or her permit;
 - e. enforce the provisions of the ***Forest and Prairie Protection Act*** and this Bylaw within the boundaries of the County;
 - f. refuse issuance of a Fire Permit on reasonable and probable grounds that a public interest risk exists;
 - g. require any able-bodied adult person, who is not exempt by the regulations of the ***Forest and Prairie Protection Act*** to assist in extinguishing Fires and to assist in the prevention or spread thereof;
 - h. commandeer and authorize payment for the possession or use of any equipment for the purposes of fighting a Fire;
 - i. enter a closed area under the ***Forest and Prairie Protection Act*** without a permit or written permission of a forest officer, subject only to the regulations of the ***Forest and Prairie Protection Act***;
 - j. obtain from every person found on public land or leaving or entering public land that person's name, address and an account of his or her activities and the route of the activities he or she proposes to carry out and the route he or she intends to follow on the public land;
 - k. without a warrant enter on any land and premises except a private dwelling house, for the purpose of discharging his or her duties under this Bylaw or the ***Forest and Prairie Protection Act***; and
 - l. without a warrant enter any private dwelling house which is on Fire and proceed to extinguish the Fire or to prevent the spread thereof;

SECTION 11 FIRE PERMITS

General

- 11.1 In addition to any Fire Permit required under the ***Forest and Prairie Protection Act***, Fire Permits shall be required under this Bylaw for the period from January 1 to December 31 each calendar year.
- 11.2 Notwithstanding Section 11.1 of this Section, any Fire Permit issued pursuant to the ***Forest and Prairie Protection Act*** shall be deemed for all purposes to be a Fire Permit issued pursuant to this Bylaw.

- 11.3 An application for a Fire Permit for an Outdoor Fire shall be made to a Fire Guardian in writing on the form adopted by the County from time to time. The Fire Guardian shall receive and consider the application and after having done so, he or she may, in his or her absolute discretion, issue to the applicant a Fire Permit with such conditions as the Fire Guardian deems appropriate in his/her sole discretion.
- 11.4 The applicant must pay the appropriate Fee set out in the Master Rates Bylaw³ prior to issuance of any Fire Permit.
- 11.5 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian issuing the permit, but in any case shall not exceed five (5) days. The Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 11.6 A Fire Guardian may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.
- 11.7 A Fire Guardian may, in his or her absolute discretion, suspend or cancel a Fire Permit at any time.
- 11.8 Each application for a Fire Permit must contain the following information:
- a. the name and address of the applicant;
 - b. the legal description of the land on which the applicant proposes to set a Fire;
 - c. the type and description of material which the applicant proposes to burn;
 - d. the period of time the Fire Permit is valid;
 - e. the precautions that will be taken by the applicant to ensure that the proposed Fire remains under his or her control;
 - f. the signature of the applicant;
 - g. the signature of the Fire Guardian issuing the Fire Permit.
- 11.9 A Fire Guardian may require additional information prior to issuing a Fire Permit.
- 11.10 A Fire Permit is not transferable from one individual to another nor from one parcel of land to another.

Exemptions

- 11.11 A Fire which is contained in an Incinerator, barbeque or fire pit does not require a Fire Permit under this Bylaw provided that:
- a. a minimum of 4 metres clearance from buildings, property lines and combustible materials or as approved by the Fire Chief's office is maintained;
 - b. it is constructed of bricks or concrete blocks or heavy gauge metal or other suitable non-combustible components;
 - c. it has a spark arrestor mesh screen of 0.7 centimetres (.25 inches) expanded metal (or equivalent) to contain sparks over the Fire at all times;

³ Amendment Bylaw C-7444-2015

- d. it is supervised at all times by a responsible adult person until such time that Fire has been extinguished. A Fire shall be deemed to include hot ashes and smoldering embers resulting from the Fire;
 - e. only wood, charcoal briquettes, propane or natural gas fuels are used;
 - f. flame height does not exceed 90 cm (3.28 feet) above the incinerator, barbecue or fire pit.
- 11.12 This Bylaw does not apply to any Industrial or Commercial type Incinerator that is required to be licenced under the ***Alberta Environmental Protection and Enhancement Act***, R.S.A. 2000, c.E-12 and its regulations.
- 11.13 This Bylaw does not apply to Fires that are set for the purpose of training Members.
- 11.14 No burning is allowed in areas designated as Municipal or Environmental Reserves or in designated Restricted Burn Areas.
- 11.15 Where an emergency or a potential emergency exists, the Fire Chief or his/her designate shall be empowered to suspend all Incinerator Fires, Outdoor Fires, and/or Recreational Fires within all or a portion or portions of the County for such a period of time and on such conditions as may be determined by the Fire Chief or their designate.
- 11.16 Subject to Sections 12 and 13, only Recreational Fires are allowed in Bragg Creek on Saturday or Sunday. Fire Permits for this area will not be issued for weekends.

Commercial

- 11.17 A permit is required for all commercial burning within the County. This type of burning can include thawing the ground for construction purposes, controlled burns, public assembly events where a fee is charged for attendance and fire extinguisher training, among other things.

Fire Works

- 11.18 No Person shall sell, possess or discharge Fireworks in the County unless they have appropriate permits and licencing for High and/or Low Level Displays including obtaining the necessary permit from the County and paying the appropriate fee where required as set out in Schedule "C" of this Bylaw. Purchased Fireworks must be from a recognized company that meets all current provincial or federal regulations and standards.
- 11.19 Possession, sale or storage of Fireworks is prohibited unless in accordance with this Bylaw.

SECTION 12 PROHIBITED FIRES

- 12.1 No Person shall set or cause to be set, any Fire within the boundaries of the County except as otherwise provided for under the Bylaw.
- 12.2 No Person shall burn or cause to be burned, any Prohibited Debris, refuse, waste, junk, garbage, structures, debris or other noxious substance within the boundaries of the County.

- 12.3 No Person shall use Firecrackers or permit the use of Firecrackers on his/her property or property under his/her control, within the boundaries of the County.
- 12.4 Subject to Section 13.1, a Person may, on property owned or controlled by him, set a Recreational Fire, so long as that Recreational Fire is set within a fire pit or other structure designed for the purpose of containing the Recreational Fire within a small, controlled area. Such a structure shall include a rock or brick fire pit, barrel or stone barbeque.
- 12.5 When a Fire is set in contravention to Section 12.1 or during a Fire Ban pursuant to Section 13, 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. if unable to extinguish the Fire immediately, report the Fire to the Fire Services Section as soon as possible.

SECTION 13 FIRE BANS

- 13.1 The Fire Chief may, from time to time, prohibit any or all Fires within the County or a part of the County, including Recreational Fires, when in the discretion of the Fire Chief, the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 13.2 A Fire Ban imposed by the Fire Chief under Section 13.1 shall be in force until such time as the Fire Chief gives notice to the public that the Fire Ban has been lifted.
- 13.3 When a Fire Ban is in effect, **NO PERSON** shall ignite a Fire or cause or allow a Fire to be ignited on his or her Property or Property under his or her control if the Property is located in the area affected by the Fire Ban.
- 13.4 Any Fire Permits that were previously issued to property located in the area affected by the Fire Ban will be **SUSPENDED** for the duration of the Fire Ban.

SECTION 14 CONTROL OF FIRE HAZARDS

- 14.1 If the Fire Chief finds within the County's boundaries, on privately owned land or occupied public land, conditions that, in his or her opinion, constitute a Fire Hazard, he or she may give an Order to the owner or the Person in control of the land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the County.
- 14.2 If the Fire Chief finds that the Order issued pursuant to Section 14.1 has not been carried out, he/she may enter onto the land with any equipment and any Person he/she considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.

- 14.3 The owner or occupant of the land on which work was performed pursuant to Section 14.2 shall, upon demand, pay to the County a Fire Protection Charge and in default of payment of the Fire Protection Charge, the County may add the Fire Protection Charge to the tax roll of the said land, which forms a special lien against the land in favour of the County, from the date it was added to the tax roll.

SECTION 15 REQUIREMENT TO REPORT

- 15.1 The owner or authorized agent of a property damaged by Fire shall immediately report the particulars of the Fire to Fire Services Section in a manner and form satisfactory to the Fire Chief.
- 15.2 The owner or authorized agent of any property containing a Dangerous Goods product or products, which is or becomes aware of an accidental or unplanned release, shall immediately report such spill or release to Fire Services Section in a manner and form satisfactory to the Fire Chief.

SECTION 16 OFFENCES

- 16.1 No person shall:
- a. contravene any provision of this Bylaw;
 - b. impede, obstruct or hinder a Member or other person assisting or acting under the direction of a Member;
 - c. damage or destroy Fire Services Section property or Equipment;
 - d. at an Incident, drive a vehicle over any Apparatus or Equipment without permission from the Fire Chief or Incident Commander;
 - e. obstruct a Member from carrying out any function or activity related in any way to fire protection;
 - f. falsely represent themselves as a Member or wear or display any fire service badge, cap, button, insignia or other paraphernalia which may leave the false impression that the person is a Member;
 - g. obstruct or otherwise interfere with access roads or streets, Highways or other approaches to any fire alarm, fire hydrant, cistern or body of water designated or intended to be used for fire protection or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated or intended to be used for fire protection;
 - h. light an Outdoor Fire unless he/she is the holder of an existing Fire Permit if required under the Bylaw or the ***Forest and Prairie Protection Act*** or both;
 - i. no person shall light an Outdoor Fire, Incinerator Fire, or Recreational Fire during a County or provincial Fire Ban pursuant to the ***Forest Prairie Protection Act***;
 - j. permit an Outdoor Fire to be lit upon lands that are owned or occupied by that Person or under that Person's control except when such a Fire is allowed under this Bylaw;
 - k. fail to report a Fire to the Fire Services Section when a Fire is set under the circumstances described in this Section 16.1 and the owner or occupier of the land or the person having control of the land upon which the Fire is lit does not extinguish the Fire immediately or is unable to extinguish the Fire immediately;

- l. either directly or indirectly, personally or through an agent, servant or employee kindle a Fire or let it become a Running Fire on any land not his or her own property or allow a Running Fire to pass from his or her own property to that of another;
- m. light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times;
- n. light a Fire when the weather conditions are conducive to creating a Running Fire;
- o. fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or from spreading onto property other than his or her own;
- p. deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire;
- q. conduct any activity that involves the use of Fire, open flame, explosives, flammable devices, appliances or equipment or ignition sources that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring;
- r. use a Fire to burn:
 - i. prohibited Debris;
 - ii. materials that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics or other materials or creosoted wood, treated timber; or
 - iii. herbicides, pesticides or other toxic materials or substances;
- s. conduct any activity that involves the use of a Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any Highway;
- t. allow any Fire to give off a dense smoke or offensive odour in a manner which creates a risk to public safety or creates a nuisance to neighbouring person(s) or property;
- u. light a Fire on lands owned or controlled by the County except with the County's express written consent;
- v. provide false or misleading information when applying for a Fire Permit;
- w. sell, possess or discharge Fireworks in the County unless they have appropriate permits and licensing for High Level Displays; or
- x. possess, sell or store low level Fireworks unless appropriate permits have been issued.

16.2 Any Person whether in possession of a valid Fire Permit or otherwise lights a Fire for the purposes described in this Bylaw is responsible to ensure that the burn is conducted in a safe manner and in accordance with the terms of the Fire Permit and this Bylaw.

16.3 Persons in Bragg Creek shall only burn in accordance of Section 11.16 of this Bylaw.

SECTION 17 ENFORCEMENT

17.1 Where the property does not comply with this Bylaw or a Person contravenes this Bylaw, the County may pursue its enforcement alternatives in accordance with this Bylaw, any Act or common law right, including but not limited to the issuance of an order to remedy

the contravention by the County, adding amounts to the tax roll and pursuing injunctions pursuant to the ***Municipal Government Act***.

SECTION 18 PENALTIES

18.1 Any Person who:

- a. violates any provision of this Bylaw;
- b. suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- c. neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
- d. does any act or thing or omits any act or thing, thus violating any provisions of this Bylaw,

is guilty of an offence under this Bylaw and upon a conviction, is liable to a fine as set out in Schedule "B" attached hereto and forming a part of this Bylaw.

18.2 Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding six (6) months.

18.3 The Specified Penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for a Schedule "B" of this Bylaw in respect of that provision.

18.4 Where a Person contravenes the same provision of this Bylaw two times within a twenty-four (24) month period, the Specified Penalty payable in respect of the second contravention shall be double the amount specified in Schedule "B".

18.5 Where a Person contravenes the same provision of this Bylaw three or more times within a twenty four (24) month period, the Specified Penalty payable in respect of the subsequent contravention shall be four times the amount as specified in Schedule "B".

18.6 This Section shall not prevent any Officer from issuing a Violation Ticket requiring a court appearance of the defendant, pursuant to the provisions of the ***Provincial Offences Procedures Act***, R.S.A. 2000 c. P-24, or from laying an information in lieu of issuing a Violation Ticket.

18.7 The levying and payment of any fine or imprisonment for any period provided in this bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other bylaw.

SECTION 19 VIOLATION TICKETS

19.1 Where an Officer believes that a Person has contravened any provision of the Bylaw, the Officer may commence proceedings against the Person by issuing a Violation.

SECTION 20 INDEMNITY

20.1 The Fire Chief, County Manager, Officers, Members, Fire Guardians and Peace Officers are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this Bylaw or any applicable legislation or bylaw unless the circumstances constitute defamation, dishonesty, gross negligence or willful misconduct.

SECTION 21 SEVERABILITY

21.1 Each provision of this Bylaw is independent of all other provisions. If any provision of the Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

SECTION 22 STRICT LIABILITY

22.1 It is the intention of Council that all Offences created by this bylaw be interpreted to be strict liability offences.

SECTION 23 INTERPRETATION

23.1 Wherever the provisions of the Fire Services Bylaw are or are deemed to be, at variance with each other, the more restrictive of the two provisions shall apply.

23.2 This Bylaw is intended to function in conjunction with the Fire Services Manual, Emergency Operating Guidelines, and the Quality Management Plan.

SECTION 24 REPEAL

24.1 Bylaws C-5545-2002 and C-5977-2004 are hereby repealed.

SECTION 25 EFFECTIVE DATE

25.1 This bylaw shall come into effect when it has received third and final reading.

READ A FIRST TIME IN COUNCIL this	27th	day of	March, 2012.
READ A SECOND TIME IN COUNCIL this	27th	day of	March, 2012.
PERMISSION FOR THIRD READING this	27th	day of	March, 2012.
READ A THIRD TIME IN COUNCIL this	27th	day of	March, 2012.

“ROLLY ASHDOWN”

Reeve

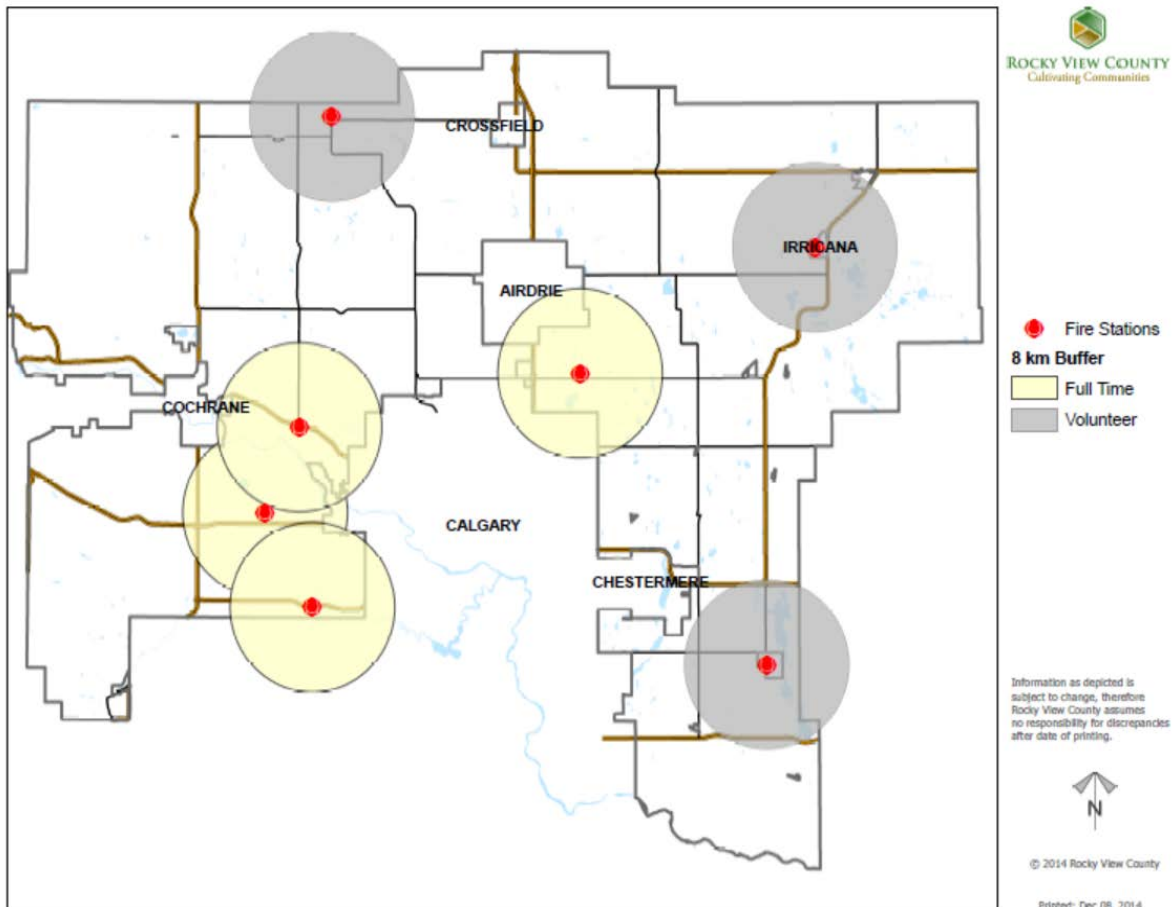
“NONA HOUSENGA”

Municipal Clerk

SCHEDULE "A"

FIRE PROTECTION AREA MAP⁴

APPROXIMATE ZONES



⁴ Amendment Bylaw C-7444-2015 – July 14, 2015

SCHEDULE “B”

SPECIFIED PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY 1 st Offence
16.1(a)	Contravene any provision of this Bylaw where specified penalty is not listed	\$250
16.1(b)	Impede/obstruct/hinder any Member or Peace Officer	\$1,000
16.1(c)	Damage or destroy Fire Services Section property or Equipment	\$1,000
16.1(d)	Drive a vehicle over any Apparatus or Equipment	\$500
16.1(e)	Obstruct a Member from carrying out duties related to fire protection	\$1,000
16.1(f)	Falsely represent oneself as County Fire Member	\$500
16.1(g)	Obstruct access to roads/fire hydrant/etc. intended for fire protection	\$1,000
16.1(h)	Light an Outdoor Fire without permit	\$500
16.1(i)	Burn during a Fire Ban	\$1,000
16.1(j)	Owner permit an Outdoor Fire to be lit without permit	\$1,000
16.1(k)	Fail to report a Fire to the Fire Services Section	\$500
16.1(l)	Allow Fire to become a Running Fire / allow a Running Fire to pass from own property	\$500
16.1(m)	Fail to take precautions when burning	\$500
16.1(n)	Light a Fire when the weather conditions are conducive to creating a Running Fire	\$500
16.1(o)	Fail to take reasonable steps to control a Fire	\$1,000
16.1(p)	Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire	\$500
16.1(q)	Conduct any activity that might reasonably be expected to cause a Fire	\$500
16.1(r)(i), (ii) & (iii)	Use a Fire to burn prohibited debris	\$1,000
16.1(s)	Allow Fire to impede visibility of vehicular traffic	\$500
16.1(t)	Allow any Fire to give off a dense smoke/odour or become a nuisance	\$500
16.1(u)	Light a Fire on County land without permission	\$500
16.1(v)	Provide false or misleading information when applying for a Fire Permit	\$500
16.1(w)	Sell/possess/discharge/store High Level Fireworks without permit	\$1,000
16.1(x)	Sell/possess/discharge/store Low Level Fireworks without permit	\$500

SCHEDULE "C"⁵

LEVEL OF SERVICE

1. Policy Statement:

- 1.1 Rocky View County maintains a Fire Protection Service to provide for the safety of its residents and visitors and the protection of property within the County.
- 1.2 Rocky View County Council had determined that the most cost effective and appropriate way to deliver Fire Protection Services within the County is through the use of a composite fire service organizational structure, which is comprised of full-time, part- time and volunteer firefighters.
- 1.3 County Council is responsible for determining the applicable Level of Service within each District. The District Fire crews will respond within the capacity of the stated Level of Service guideline applicable to that District.
- 1.4 Notwithstanding anything contained within these Level of Service guidelines, due to the vast geographical area (1600 square miles) of the County and due to the nature of the composite Fire Protection Service, the County cannot guarantee a specific response time for any Incident because distances from fire halls to the location of any Incident vary and the first fire hall called may not be able to respond.
- 1.5 Response times referenced in this Level of Service are guidelines only. County residents may have to wait a substantial amount of time (1 hour or more) for Fire Services to arrive.
- 1.6 The Fire Protection Services will primarily engage in rescue and basic exterior fire suppression and defensive firefighting activities.
- 1.7 Hamlet and other water systems are not guaranteed to provide ULC hydrant fire flows. However, the Fire Protection Services may use available hydrants to augment on truck water supplies to the extent possible.
- 1.8 Notwithstanding anything contained within these Level of Service guidelines, extenuating circumstances may result in a variation of service levels in any District with respect to response to any particular Incident including but not limited to environmental factors, obstructions, remote or isolated properties, private roadways, hazardous or unsafe conditions at the Incident or encountered while enroute to the Incident, impeded access, topographic or geographic configurations of land and the amount of and the level of personnel and equipment and other resources available to respond to any particular Incident.

2. District - Levels of Service Guideline

2.1 Level of Service – Structural Rescue

- a. The Level of Service associated with Structural Firefighting and Structural Rescue must recognize and consider the level of Fire involvement of a structure upon arrival. While an early arrival to a structure is predicated on a variety of factors, such as distance, road condition, traffic congestion, time of day and weather, the involvement of a structure also

⁵ Amendment Bylaw No. C-7444-2015 – July 14, 2015

depends on early notification, witnessed Fire ignition, the weather, the contents of the structure and their flammability.

- b. Entry into a structure is predicated upon life safety hazard, probability of survivability of occupants and firefighter safety (risk of structural collapse, smoke explosion, etc.). Where rescue is not required and the structure's involvement is such that the likelihood of extinguishment is minimal, protection of exposures will be the primary focus of fire crews upon arrival.
- c. Therefore a 'defensive firefighting strategy' and this 'Level of Service' are mandated. This is an accepted practice within the fire service as a whole. The protection of exposures and protection against fire extension to adjacent properties will be the accepted standard Level of Service throughout Rocky View County as afforded by Rocky View County Fire Services personnel.

2.2 Station/District - Levels of Service

- a. The Level of Service for the stations/districts within the department can be divided into two clear classifications of service for each operational type of station (volunteer or full-time), based on the distance to the incident.
 - b. The following two Levels of Service available are as follows based on response location criteria.
 - i. **Service Level: Full-time Response Designated Station**
These zones or areas provide a response rationale and an indicator to insurance companies of the associated water supply provision. They are:
 - 1. Within (8) kilometres travel by road, (4) personnel on-scene within 10 minutes (Inc. Dispatch time + Turnout time + Response time to location) 80% of the time; or,
 - 2. Outside (8) kilometres travel by road of a station, (4) personnel on-scene within an indeterminate period of time (dependent upon travel distance), 90% of the time.
- Note:** Second unit response arrival is predicated on the proximity of the station responding.
- c. The following two Level of Service zones available are as follows:
 - i. **Service Level: Volunteer Response Designated Station.**
These zones or areas provide a response rationale and an indicator to insurance companies of the associated water supply provision. They are;
 - 1. Within (8) kilometres of a station a minimum of (4) personnel on scene within 18 minutes (Inc. Dispatch time +

- Station Response time, + Turnout time + Response time to location) 80% of the time; or,
2. Outside (8) kilometres travel by road of a station, a minimum of (4) personnel on-scene within an indeterminate period of time (directly dependent on travel distance) 90% of the time.

Note: Second unit response arrival is predicated on the proximity of the station responding.

3. **Service Level for Medical First Responder⁶**

- 3.1 (a) Minimum training for fire suppression staff will be Standard First Aid with CPR/AED certification.
- (b) The criteria used to dispatch Rocky View Fire Services to medical response call shall be consistent with the AHS classification Delta and Echo calls or where an ambulance response will be delayed greater than 20 minutes.

⁶ Amendment Bylaw C-7444-2015 – July 13, 2015