

BIRCH HILLS COUNTY
BYLAW No. 2014-03

A Bylaw of Birch Hills County in the Province of Alberta, for the purpose of establishing Fire Services in and for Birch Hills County.

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 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 Council of Birch Hills County wishes to establish the Birch Hills County Regional Fire Service within the Birch Hills County and to provide for efficient operation of such Emergency Services;

AND WHEREAS the Council of Birch Hills County wishes to operate and manage the Birch Hills County Regional Fire Services.

AND WHEREAS the Council of Birch Hills County agrees that the provision of medical, fire and emergency response services is dependent upon a number of factors including the infrastructure and resources which may be available for such services, competing demands upon such resources, and the large geographic size of the County, and that in the result, the County is unable to provide medical, fire, and emergency response services in the same manner or to the same standards which may be available in other jurisdictions, or to provide such services in the same manner or to the same standards in all areas of the County or to all people within the County.

NOW THEREFORE the Council of the Birch Hills 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 "Birch Hills County Regional Fire Services Bylaw."

SECTION 2. DEFINITIONS

2.1 In this Bylaw:

(a) "Acceptable Fire Pit" means an outdoor receptacle for cooking purposes only that meets the following specifications:

- (i) a minimum of 3 meter clearance, measured from the nearest fire pit edge shall be maintained from buildings, property lines or any combustible material;
- (ii) the fire pit height shall not exceed 0.6 meter when measured from the surrounding grade to the top of the pit opening;
- (iii) the outside width, length or diameter of the fire pit opening shall not exceed 1 meter when measured between the widest outside edges;

- (iv) the fire pit installation shall have enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other noncombustible materials acceptable to the Fire Chief; and
- (v) a Regulation Screen shall be used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.

(b) "Acceptable Fireplace" means an outdoor receptacle for cooking purposes only that meets the following specifications:

- (i) a minimum of 3 meter clearance measured from the nearest fireplace edge shall be maintained from buildings, property lines or any combustible material;
- (ii) the fireplace shall be constructed of materials such as bricks or rocks that are heat and flame resistant;
- (iii) the fireplace shall be equipped with a chimney that is not less than 2.5 meters in height when measured from the base of the fire burning area;
- (iv) the fireplace chimney shall be equipped with a Regulation Screen designed to contain and reduce the hazards of airborne sparks;
- (v) the base of the fire burning area shall be not less than 0.3 meters above the surrounding grade; and
- (vi) the fire chamber shall not exceed 1.25 meters in width, and shall be at least 0.4 meters but not more than 0.6 meters in depth.

(c) "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 meters of lumber;
- (iv) solid waste from post and pole operations that does not contain wood preservatives or;
- (v) solid waste from tree harvesting operations.

(d) "Chattel Fire" means a fire in which an article or articles of personal property are being burned out-of-doors.

(e) "Chief Administrative Officer" means that person appointed to the position and title by the Council and includes a person appointed by the Chief Administrative Officer to act as such Officer's delegate for purposes of this bylaw.

(f) "Council" means the Council of the Birch Hills County.

(g) "County" means Birch Hills County.

(h) "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.

(i) "Emergency Services Coordinator" (E.S.C.) means a person designated by Council for the purposes of this Bylaw

(j) "Emergency Unit" means a fire truck, pumper truck, rescue truck, rescue boat, mobile command unit, bush truck, auxiliary truck, dangerous goods unit, tender, or any vehicle provided with machinery, devices, equipment or materials including vehicles used to transport any member or supplies for fire fighting or any Incident to which Fire Services has responded.

(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 fire alarm that is set off needlessly, through willful or accidental, human or mechanical error, and to which Fire Services responds.

(m) "Fire Guardian" means any member of Council, Chief Administrative Officer, Emergency Services Coordinator, Fire Chiefs, Deputy Fire Chiefs and Incident Commander.

(n) "Fire Chief" means the person designated as such by the Council for purposes of this bylaw.

(o) "Fire Services" means the fire fighting and emergency response service as established and organized for the County pursuant to the provisions of this Bylaw consisting of, inter alia, all persons appointed to the various positions described herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the fire fighting service, including fire stations.

(p) "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.

(q) "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.

(r) "Incinerator Fire" means a fire that is confined within an incinerator.

(s) "Member" means any person who is a duly appointed member of Birch Hills County Regional Fire Service.

(t) "Officer in Charge or Incident Commander" means the Member who, according to the Fire Services command structure established by the Fire Chief, is in command at an Incident in the absence or other inability of the Fire Chief to perform his duties.

(u) "Open Air Fire" means any fire which is not an Incinerator Fire, Pit Fire or Public Park Site Fire and, without limiting the generality of the foregoing, includes grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and Chattel Fires.

(v) "Open Air Fire Permit" means a permit issued pursuant to section 7 of this bylaw.

(w) "Pit Fire" means a fire contained within an Acceptable Fire Pit or an Acceptable Fireplace.

(x) "Peace Officer" means a person referred to in section 7 (1) of the Peace Officer Act, Statutes of Alberta, 2006, Chapter P-3.5, or, any other person appointed as a peace officer under another enactment who is designated by the regulations as a peace officer to whom all or part of this Action and the regulations apply.

(y) "Portable Appliance" means any appliance constructed or used for the purpose of cooking food in the out-of-doors.

(z) "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 there under, and includes but is not limited to:

- (i) animal cadavers;
- (ii) animal manure;
- (iii) chemicals and chemical containers;
- (iv) combustible material in automobile bodies;
- (v) combustible material in automobiles;
- (vi) household refuse;
- (vii) non-wooden material;
- (viii) paints and painting materials;
- (ix) pathological waste;
- (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 meters 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.

(zi) "Public Park Site Fire" means a fire on land owned or leased by the County for recreational purposes that is confined to a non-combustible container supplied by the County, as approved by the Fire Chief, or a Portable Appliance, which is set for the purpose of cooking food. Such fire may only be fueled with seasoned wood, charcoal, natural gas or propane.

((zii) "Regulation Screen" means a spark arrestor mesh screen with openings no larger than 1.25 em at their widest dimension and constructed of expanded metal or equivalent non-combustible material.

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

(ziv) "Violation Ticket" means a violation ticket under part 2 or part 3 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34.

For words not defined in the above noted definitions reference should be made to the Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.

SECTION 3. FIRE SERVICES

3.1 The Council does hereby establish Birch Hills County Regional Fire Services, for the purpose of:

- (a) preventing and extinguishing fires;
- (b) preserving life and property and protecting persons and property from injury or destruction by fire;
- (c) providing rescue services;
- (d) preventing, combating and controlling Incidents;
- (e) carrying out agreements made by the County with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
- (f) advising the Council on the purchase of operating apparatus and equipment for extinguishing fires or preserving life and property; and
- (g) enforcing the provisions of the Safety Codes Act and its regulations.

SECTION 4. THE FIRE CHIEF

4.1 The office of the Emergency Services Coordinator is hereby created. The Fire Chief shall ultimately be responsible to the E.S.C. who in turn is responsible to the Chief Administrative Officer and will be appointed to the position by resolution of Council.

4.2 The Fire Chief shall perform such functions and have such powers and responsibilities as this bylaw and the Chief Administrative Officer may from time to time prescribe.

(4.3 The Fire Chief is hereby authorized to take such action as may be necessary for the development of rules, regulations and policies for the ongoing organization and administration of Fire Services.

4.4 The Fire Chief, or Incident Commander as the case maybe:

(a) is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he/she deems it necessary to prevent the spread of fire to other buildings, structures or things;

(b) is empowered to cause Fire Services to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the Incident in whatever manner, he/she deems necessary; and

(c) may at his/her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits.

4.5 No person shall enter the boundaries or limits of an area prescribed in accordance with Section unless he/she has been authorized to enter by the Fire Chief or Incident Commander.

4.6 The Fire Chief or Incident Commander may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits referred to in Section (4.4.c).

4.7 Upon approval of the Chief Administrative Officer, the Emergency Services Coordinator or Fire Chief may negotiate on behalf of the County with the Provincial Government of Alberta and other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements including renewals and amendments thereof. Any such agreements, renewals or amendments must be approved by the Council.

4.8 For the purpose of fire investigations and inspections, the Fire Chief or Incident Commander may obtain assistance from other officials of the County, or direct staff, as deemed necessary, in order to discharge the duties and responsibilities under this Bylaw.

4.9 No person at an Incident shall impede, obstruct or hinder a member of Fire Services, or other person assisting or acting under the direction or at the request of the Fire Chief or Incident Commander.

4.10 No person shall willfully damage or destroy Fire Services apparatus or equipment.

4.11 No person at an Incident shall drive a vehicle over any equipment without permission of the Fire Chief or Incident Commander.

4.12 No person shall obstruct a Member from carrying out duties imposed by this bylaw.

4.13 No person shall falsely represent himself or herself as a Fire Services member or wear or display any Fire Services badge, cap, button, insignia or other paraphernalia for the purpose of such representation.

4.14 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for fire fighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.

4.15 The Fire Chief or Incident Commander may request persons who are not Members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the Incident.

4.16 The Fire Chief or Incident Commander is empowered to commandeer such privately owned equipment as he/she considers necessary to deal with an Incident.

SECTION 5. REQUIREMENT TO REPORT

5.1 The owner or authorized agent of the owner of any property damaged by fire shall immediately report to Fire Services particulars of the fire, in a form and to the extent required by the Fire Chief or designate.

5.2 The owner or authorized agent of the owner of any property within or upon which an accidental or unplanned release of Dangerous Goods occurs, shall immediately report the release to the proper regulatory authorities and provide the Fire Chief with a copy of such report.

SECTION 6. OPEN AIR FIRES

6.1 No person shall permit an Open Air Fire upon land owned, occupied or under his or her control within the County, unless an Open Air Permit has been obtained, the provisions and conditions of the Open Air Permit are complied with, and Burnable Debris only is burned.

6.2 Any fire permitted or allowed under this bylaw shall be contained to a reasonable size so that the fire, or any embers, sparks or smoke emanating there from do not endanger any person or property or cause any objectionable effect on nearby property.

6.3 Notwithstanding Section 6.1 an Open Air Permit shall not be required under this Bylaw to conduct:

(a) the cooking of food using a Portable Appliance;

(b) recreational burning or the cooking of food in Acceptable Fire Pits 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 burning area of such pit or fireplace below the Regulation Screen;

(ii) the pit or fireplace is not used to burn Prohibited Debris;

(iii) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available at the site of the fire or within a reasonable distance thereof; and

- (iv) a responsible, sober adult is present at the site of the fire when the fire is burning;
- (c) burning in fireplaces in or attached to dwellings and constructed in accordance with applicable safety codes;
- (d) burning of a Public Park Site Fire;
- (e) burning in an Incinerator,
- (f) burning by Fire Services for the purpose of training its Members.

6.4 If, in the sole opinion of the Fire Chief or Officer in Charge, Peace Officer, Emergency Services Coordinator or Fire Guardian (Includes Council) a fire or fire receptacle does not comply with this Bylaw, the Fire Chief, Officer in Charge, Peace Officer or Fire Guardian may extinguish or have extinguished the said fire and order the property owner or person responsible for the fire or fire receptacle to relocate the receptacle on the property or remove the receptacle or the burning materials from the property.

SECTION 7. PROCEDURE TO OBTAIN OPEN AIR FIRE PERMIT

7.1 Any person wishing to obtain an Open Air Fire Permit must apply to the Fire Chief or designate during the normal business hours of the Fire Services.

7.2 Each application for an Open Air Fire Permit must contain the following information:

- (a) the name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set a fire;
- (b) the legal and municipal description of the land on which the applicant proposes to set a fire;
- (c) the period of time for which the fire permit is required;
- (d) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
- (e) the signature of the applicant; and
- (f) the written consent to the proposed fire by the owner of the land (if different than the applicant).

7.3 Upon receipt of an application for an Open Air Fire Permit, the Fire Chief or designate shall consider the application, and *may*, pursuant to the provisions of this Bylaw and the Alberta Fire Code:

- (a) refuse the application if it does not comply with this bylaw and the Alberta Fire Code;

((b) approve the application with or without conditions, or

(c) determine that a permit is not required.

7.4 If a fire pit is not an Acceptable Fire Pit or if a fireplace is not an Acceptable Fireplace, the Fire Chief or designate may issue an Open Air Fire Permit if satisfied that the non-conforming fire pit or fireplace meets appropriate safety standards.

7.5 There is no permit fee.

7.6 An Open Air Fire Permit shall not be transferable.

7.7 An Open Air Fire Permit issued pursuant to this Bylaw is valid for such period of time as shall be determined and set by the Fire Chief or designate and shall have endorsed thereon the period of time for which the permit is valid.

7.8 The Fire Chief or designate may extend in writing the period of time that an Open Air Fire Permit is valid provided such permit has not expired.

7.9 Provincial Fire Bans automatically means a Fire Ban in Birch Hills County.

SECTION 8. RECOVERY OF COSTS

(8.1 Where Fire Services has taken any action for which a fee is payable under this Bylaw, such fee shall be paid upon the taking of such action or within a reasonable time thereafter if, in the circumstances, it is impractical to pay or receive the fee at the time such action is taken.

8.2 Where Fire Services has extinguished a fire or responded to an Incident within or outside the County for the purpose of preserving life or property from injury or destruction by such Incident, including any such action taken by Fire Services on a False Alarm, the Fire Chief, will charge costs incurred by Fire Services in taking such action, charge any costs so incurred by 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 the property involved where the Incident does not occur on privately owned land.

8.3 The schedule of fees and charges by Fire Services for services rendered pursuant to this Bylaw shall be as set in the annual budget, as approved by Council.

8.4 In respect of the fees or charges described above:

((a) the County may recover such fees or charges as a debt due and owing to the County; or

(b) In the case of action taken by Fire Services in respect of land within the County, where the fees or charges are not paid upon demand by the County, 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.

(c) In the event that the owner or occupant of any land within or outside the County shall feel aggrieved by the fees described in Section 9, such owner or occupant shall have a period of thirty (30) days from the date of the mailing of the fee assessment to appeal the fees to the Birch Hills County Council. The decision of the Council on any such appeal shall be final and binding upon the owner or occupant of the land and is not subject to further appeal.

SECTION 9. OFFENCES AND PENALTIES

9.1 The Fire Chief or designate may terminate, suspend or cancel an Open Air Fire Permit upon contravention of any provision of this Bylaw, the Alberta Fire Code or any terms and conditions included in the permit.

9.2 A person, who contravenes any provision of this Bylaw, or any terms or conditions is guilty of an offence and upon a conviction, is liable to a fine of not less than \$500.00 and not more than \$5000.00, plus court costs.

9.3 Where a person:

(a) fails to obtain an Open Air Fire Permit as required under this Bylaw; or

(b) obtains an Open Air Fire Permit but fails to follow the provisions of this Bylaw or the conditions included in such Permit; and

(c) a fire beyond the control of the person or other emergency to which Fire Services responds results wherefrom, then such person shall be liable to pay all costs of all emergency response service incurred by Fire Services calculated in accordance with the current fee schedule, as established in the annual budget, approved by Council, and the County may recover from such person all such costs as a debt owing to the municipality.

9.4 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

9.5 A Violation Ticket shall be served upon the person named therein in accordance with the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.

9.6 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by a Peace Officer, provided that no more than one Violation Ticket shall be issued for each calendar day that the contravention continues.

9.7 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Birch Hills County, or a Peace Officer, has reasonable grounds to believe that a

person has violated any provision of the Alberta Fire Code, they may commence court proceedings under the Safety Codes Act against such person by filing an Information pursuant to the provisions of the Provincial Offenses Procedure act.

9.8 Specified penalties for breaches or fees of the provisions of this bylaw are as set in the annual budget, as approved by Council.

9.9 Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

SECTION 10. GENERAL

10.2 Bylaw 06-00 is hereby rescinded.

10.2 This bylaw shall come into force and effect on the date of the third and final reading and signing thereof.

READ A FIRST TIME THIS 6TH DAY OF NOVEMBER, 2014.

READ A SECOND TIME THIS 18TH DAY OF DECEMBER, 2014

READ A THIRD TIME AND PASSED THIS 18TH DAY OF DECEMBER, 2014.

Original Signed By

**Marvin Doran
Reeve**

Original Signed By

**Harold Northcott,
C.A.O**

Schedule of Fees and Charges

Minimum Fee for Fire Department Response-	\$100.00
Fire Department Response each unit/hour Unit refers to fire engine, tender or command unit	\$500.00
Fire Department Response each/unit hour- As per Alberta Government Policy	
Contracted or rented equipment	Cost plus 5%
Any services or supplies required to mitigate an incident	Cost plus 5%
Fire Cause Investigation or inspection	\$50.00