



CITY OF FORT SASKATCHEWAN

A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, TO REGULATE FIRE SERVICES WITHIN THE CITY OF FORT SASKATCHEWAN

BYLAW NO. C14-16

The Council of the City of Fort Saskatchewan in the Province of Alberta, duly assembled, enacts the "Fire Services Bylaw" as follows:

1. Definitions:

For the purposes of this Bylaw:

- a) "burnable debris" means:
 - i) seasoned wood and wood products;
 - ii) material which does not contain preservatives, paints, stains, glues, or laminates;
 - iii) charcoal; and
 - iv) any other substances sold for the purpose of being burned for recreational fires, which are not "prohibited debris";
- b) "City" means the City of Fort Saskatchewan;
- c) "City Manager" means the City's Chief Administrative Officer or designate;
- d) "commercial fire" means a fire which is set or maintained for commercial purposes and includes, without limitation, flaring, thawing the ground for commercial purposes, controlled burns, public events where a fee is charged for attendance, and training. It does not include fires set by the City for municipal purposes, incinerator fires, or fires set by the Fire Services Department for their purposes;
- e) "Council" means the municipal Council of the City of Fort Saskatchewan;
- f) "dangerous goods" means dangerous goods as defined in the *Dangerous Goods Transportation and Handling Act*;
- g) "Deputy Fire Chief" means the person authorized as such by the Fire Chief;
- h) "equipment" means any tools, contrivances, devices or materials used by the Fire Services Department to combat any incident, and includes rolling apparatus such as, but not limited to, fire truck, pumper truck, rescue truck, rescue boat, mobile command unit, brush truck, auxiliary truck, dangerous goods unit, tanker or any vehicle provided with machinery, devices, equipment or materials used to transport members or supplies to combat any incident;

- i) “false alarm” means any situation whereby the Fire Services Department is needlessly contacted and attends, or is requested or required to attend, to a property in the absence of an incident, through willful, accidental, human or mechanical error;
- j) “fire” means the burning of any flammable or combustible material or any combustible material in a state of combustion;
- k) “fire ban” means an order, prohibition or restriction of fires issued by the Province of Alberta or by the Fire Chief in accordance with this Bylaw;
- l) “Fire Chief” means the position responsible for fire services for the City of Fort Saskatchewan;
- m) “fire fighter” means a member of the Fire Services Department, whose functions, duties or powers are to carry out fire services, notwithstanding that the member may carry out other functions, duties or powers of the Fire Services Department;
- n) “fire hazard” means any condition, circumstance or event that, in the opinion of the Fire Chief, unduly or excessively increases the possibility or probability of fire occurring, becoming a running fire, or causing injury or property damage;
- o) “fire permit” means a permit allowing the setting of fires within the City issued by the Fire Chief in accordance with this Bylaw;
- p) “fire pit or fireplace” means a permanent or portable outdoor receptacle that uses “burnable debris” and which is only used for recreational fires in a residential setting, as outlined in Sections 5.4 and 5.5;
- q) “Fire Protection Services Agreement” means a written agreement between the City and:
 - i) any one or more neighboring municipality whose boundaries are adjacent or in proximity to the City, which describes the provision of fire services by one party to another, or the reciprocal provision of fire services;
 - ii) any one or more neighboring Federal or Provincial area whose boundaries are adjacent or in proximity to the City, which describes the provision of fire services by one party to another, or the reciprocal provision of fire services; or
 - iii) any one or more entity which provides emergency services, describing the provision of fire services to be delivered on behalf of the City;
- r) “fire services” means services related to the suppression or prevention of fires, rescue and emergency services and other activities of a fire fighter;
- s) “Fire Services Department” means the Department of the City of Fort Saskatchewan which provides fire services in accordance with this Bylaw;
- t) “highway” means any thoroughfare, street, road, trail, pathway, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or place or any part of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles;

- u) "incident" means a fire or a situation where a fire or an explosion is occurring, may be imminent, or any other situation presenting a danger or possible danger to life or property, and to which the Fire Services Department has responded, including motor vehicle accidents;
- v) "Incident Commander" means the first officer to arrive at an incident;
- w) "incinerator" means a non-combustible structure or container, the draft and smoke vents of which are covered with a regulation screen, and which is ventilated in such a manner as to prevent the escape of combustible materials, including ash;
- x) "incinerator fire" means a fire burning burnable debris that is confined within an incinerator;
- y) "level of service" means the City of Fort Saskatchewan Fire Department Service Level Policy SAF-015-C, as adopted by Council;
- z) "municipal tag" means a tag or similar document issued by the City pursuant to the *Municipal Government Act* (MGA) for the purpose of notifying a person that an offence has been committed, and which fine or prosecution may follow;
- aa) "Officer" means the Fire Chief, Deputy Fire Chief, and/or any fire fighter designated as an officer by the Fire Chief;
- bb) "open air fire" means any fire which is not contained inside of a building, pit or public park site fire pit, and without limiting the generality of the foregoing, includes grass, forest, brush, running, structure, building, wood scrap, ground thawing and burning fires, or the burning of personal property;
- cc) "Peace Officer" means a Peace Officer as defined in the *Peace Officer Act*;
- dd) "person" means an individual, firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity;
- ee) "pit fire" means a fire contained within an acceptable fire pit or fireplace;
- ff) "portable appliance" means an appliance constructed or used for the purpose of cooking food out-of-doors;
- gg) "prohibited debris" means any material that when burned, will result in the release to the atmosphere of dense smoke, offensive odors, or a substance, and the release of which is regulated, prohibited or controlled by the *Environmental Protection and Enhancement Act*. This includes but is not limited to animal carcasses; manure; chemicals and chemical containers; combustible material in automobiles or their bodies; household refuse; non-wooden material; paints and painting materials; pathological waste; rubber; plastic, or anything containing or coated with rubber, plastic or similar substances; tires; and used oil, wood or wood products containing substances for the purposes of preserving wood, or personal property;

- hh) “public park site fire” means a fire set for the purpose of a recreational fire on land owned or leased by the City or under the City’s direction, control and management for recreational purposes, that is confined to a non-combustible container supplied by the City as approved by the Fire Chief, or a portable appliance, which is fueled only by burnable debris;
- ii) “recreational fire” means a pit fire or a fire confined to a non-combustible container which is set for the purpose of cooking, obtaining warmth or viewing pleasure, and which is fueled only by burnable debris;
- jj) “regulation screen” means a spark arrestor mesh screen with openings no larger than 1.25 cm at their widest dimension and constructed of expanded metal or equivalent non-combustible material;
- kk) “running fire” means a fire burning without being under the control of any person;
- ll) “specified penalty” means a penalty specified in Schedule “A”, attached hereto and forming part of this Bylaw, for committing an offence under this Bylaw when such offence is being prosecuted by way of a municipal tag; and
- mm) “violation ticket” means a provincial violation ticket under Part 2 or Part 3 of the *Provincial Offences Procedure Act*.

2. Fire Services:

- 2.1 Council authorizes the Fire Services Department to:
 - a) provide fire services;
 - b) preserve life and property and protect persons and property from injury or destruction by incidents;
 - c) fulfill obligations under approved Fire Protection Services Agreements; and
 - d) advise Council when establishing annual budgets and the purchase of equipment.
- 2.2 Fire services shall be provided in accordance with the Fire Department Service Level Policy SAF-015-C and any applicable standard operating guidelines as established in any applicable legislation, regulation or policy adopted by Council, or issued by the Provincial or Federal Governments.
- 2.3 In the event of any inconsistency between the level of service provided and any applicable legislation, regulation or policy issued by provincial or federal legislation, the provincial or federal legislation, regulation or policy shall prevail, notwithstanding Section 13.1 of this Bylaw.

Fire Services Outside the City:

- 2.4 The Fire Services Department shall not provide or use fire services beyond the boundaries of the City without:
- a) a Fire Protection Services Agreement; or
 - b) approval of the City Manager.
- 2.5 On behalf of the City, the Fire Chief may negotiate Fire Protection Services Agreements, including renewals and amendments thereof.

3. Officers and Other Authorities:

- 3.1 The Fire Chief is hereby authorized to take such action as may be necessary for:
- a) the development of rules, regulations and policies for the ongoing organization and administration of the Fire Services Department;
 - b) the direction of the Fire Services Department and its fire fighters to carry out all fire services in accordance with this Bylaw and any applicable municipal, provincial, or federal legislation.
- 3.2 The Fire Chief is the appointed officer of the City for the purpose of carrying out any inspection, remedy, enforcement or other action pursuant to this Bylaw.
- 3.3 When responding to an emergency at an incident, the Fire Chief may take whatever actions or measures necessary to eliminate that emergency or protect persons or property, including without limitation:
- a) cause a building, structure or thing to be pulled down, demolished or otherwise removed to prevent or reduce the risk of a fire becoming a running fire or otherwise spreading to other buildings, structures or things;
 - b) cause fire fighters to enter on any land or premises, with or without equipment, including adjacent land or premises, to combat, control or deal with the incident;
 - c) issue directions or establish boundaries or limits and prohibit persons from entering the area within the prescribed boundaries or limits;
 - d) order an evacuation of any building or area which directly or indirectly is involved in an incident;
 - e) request that persons who are not fire fighters provide assistance for the protection of persons or property;
 - f) commandeer privately owned equipment for the protection of persons or property; and
 - g) request Peace Officers to enforce directions and restrictions on persons entering within the boundaries or limits referred to in this Bylaw.

Deputy Fire Chief:

- 3.4 The Deputy Fire Chief is hereby authorized, in the event that the Fire Chief is absent or unavailable, to take any action which the Fire Chief is authorized to take in accordance with this Bylaw.

Fire Fighter Appointment and Responsibilities:

- 3.5 All fire fighters, except the Fire Chief, shall be appointed to their positions within the Fire Services Department by the Fire Chief.
- 3.6 All fire fighters shall have the authority, duties and responsibilities as established under this Bylaw, any applicable municipal, provincial, or federal legislation, policy, administrative directive, procedure, or standard operating guideline.

Powers of Incident Commanders:

- 3.7 The Incident Commander has control, direction and management of any equipment and fire fighters responding to the incident. The Incident Commander shall continue to serve as Incident Commander until relieved by another Officer.
- 3.8 The Fire Chief may delegate to an Incident Commander the authority to take any actions at an incident that the Fire Chief could take pursuant to this Bylaw.

4. Prohibitions:

- 4.1 No person shall set or cause or allow to be set any fire within the boundaries of the City except in accordance with this Bylaw.
- 4.2 No person shall burn or cause or allow to be burned any prohibited debris within the boundaries of the City, except in accordance with a fire permit.
- 4.3 No person shall enter the boundaries of an off-limits area prescribed in accordance with Section 3.3(c) without the authorization of the Fire Chief.
- 4.4 No person shall burn any substance or material except burnable debris in a fire except in accordance with a fire permit.
- 4.5 No person shall damage or destroy equipment.
- 4.6 No person at an incident shall drive a vehicle over any equipment without permission of the Incident Commander or the Fire Chief.
- 4.7 No person shall obstruct or interfere with a fire fighter from carrying out duties imposed by this Bylaw.
- 4.8 No person shall falsely represent himself or herself as a fire fighter or wear or display any City of Fort Saskatchewan Fire Services' badge, cap, button, insignia or other paraphernalia, except with the authorization of the Fire Chief.
- 4.9 No person shall intentionally cause or allow a false alarm to occur, excluding a false alarm which is caused by faulty smoke or fire detection equipment.
- 4.10 No person shall use a fire pit or fireplace that does not conform to the requirements of Sections 5.4 or 5.5.

5. Permitted Fires:

- 5.1 The following fires are permitted without a fire permit, provided they are set and maintained in accordance with this Bylaw:
- a) where the fire and any associated sparks are wholly contained within a building or other structure which are related to the ordinary and expected use of that structure, excluding commercial fires;
 - b) fires set by the Fire Services Department for their purposes, including the training of fire fighters;
 - c) fires set by the City for municipal purposes;
 - d) fires being used for the cooking of food using a portable appliance; and
 - e) pit fires and public park site fires provided:
 - i) materials are only burned in such amounts as will be contained within the burning area of such pit, fireplace, or container and below the regulation screen of a pit or fireplace;
 - ii) 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
 - iii) a responsible adult is present at the site of the fire when the fire is burning.
- 5.2 The following fires are only permitted under this Bylaw if they are in accordance with a fire permit for:
- a) commercial fires;
 - b) open air fires; and
 - c) any other fires not listed in this Bylaw.
- 5.3 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 from it do not endanger any person or property or cause any objectionable effect on nearby property.

Fire Pits:

- 5.4 Fire pits are only permitted to be used for recreational fires in a residential and park setting, and must maintain the following provisions:
- a) a minimum separation of 3 meters, measured from the nearest edge of buildings, property lines, or any combustible material;
 - b) enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials;
 - c) a regulation screen covering the opening in a manner sufficient to contain and reduce the hazards of airborne sparks;
 - d) a height not exceeding 0.6 meters when measured from the lowest point of the surrounding grade to the top of the pit opening; and
 - e) an opening with a width, length or diameter not exceeding 1 meter when measured at the widest part.

Fire Place or Outdoor Cooking Oven:

- 5.5 Fireplaces or outdoor cooking ovens, commonly referred to as a chimineas, are only permitted to be used for recreational fires in a residential setting, and shall maintain the following provisions:
- a) a chimney of not more than 2.5 meters in height when measured from the lowest point of the base of the fire burning area;
 - b) a base of the fire burning area not less than 0.3 meters above the lowest point of the surrounding grade;
 - c) a fire chamber not to exceed 1.25 meters in width measured at the widest point; and
 - d) a fire chamber not less than 0.4 meters and not more than 0.6 meters in depth measured at the deepest point.

6. Requirement to Report and Remedy:

- 6.1 The owner or authorized agent of the owner of any property damaged by fire shall immediately report to the Fire Services Department the particulars of the fire, in a form and to the extent required by the Fire Chief.
- 6.2 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 authority, the Fire Services Department, and the local police service.
- 6.3 If a fire has been set contrary to this Bylaw, the owner or occupier or both of the parcel of land or building where the fire is burning shall:
- a) extinguish the fire immediately; and
 - b) if unable to extinguish the fire immediately, report the fire to the Fire Services Department, as soon as possible.

7. Fire Permits:

- 7.1 Any person wishing to obtain a fire permit must apply to the Fire Chief during normal business hours of the Fire Services Department.
- 7.2 An application for a fire permit must contain the following information:
- a) the name and address of the applicant, and if different from the applicant, 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 their control;
 - e) the signature of the applicant;
 - f) written consent of the owner of the land, if different than the applicant, for the application of the fire permit; and
 - g) any other information required by the Fire Chief.

- 7.3 No person shall provide false or misleading information in the fire permit application.
- 7.4 The Fire Chief shall consider an application for a fire permit upon receipt, and may:
 - a) refuse the application if it does not comply with this Bylaw;
 - b) approve the application, with or without conditions, or
 - c) determine that a fire permit is not required.
- 7.5 A fire permit issued pursuant to this Bylaw is valid only for such period of time as shall be determined and set by the Fire Chief.
- 7.6 Upon application by the holder of the fire permit, the Fire Chief may in writing, extend the period of time that the fire permit is valid, provided it has not yet expired.
- 7.7 The Fire Chief may at any time, suspend, revoke, or amend the conditions of a fire permit for the purpose of protecting persons or property.

8. Fire Bans:

- 8.1 The Fire Chief may issue a fire ban when there is an increased risk of a fire becoming a running fire, or causing injuries or property damage due to any conditions, including environmental conditions.
- 8.2 A fire ban issued by the Fire Chief shall be in force until such time that the fire ban has been lifted by the Fire Chief.
- 8.3 When a fire ban is in force, no person shall set a fire or cause or allow a fire to be set on their property, property under their control, or property located in a public park site within the City.
- 8.4 If a fire ban is in force, all fire permits are suspended, unless otherwise directed by the Fire Chief.
- 8.5 The Fire Chief, upon issuing or lifting a fire ban pursuant to this Bylaw, shall give the public notice through websites, media announcements, or other public notification methods deemed appropriate.
- 8.6 All persons are responsible for determining whether a fire ban is in effect. Failure to receive notice of a fire ban shall not constitute a valid defence for a breach of notification of such fire ban.

9. Control of Hazards:

- 9.1 The owner or occupier of any parcel of land or building within the boundaries of the City shall ensure that such parcel of land or building is free of fire hazards.

10. Recovery of Costs:

- 10.1 Where the Fire Services Department has responded to an incident, they shall charge the fees set out in the City's Fees and Charges Bylaw to the person who caused the incident, the owner or occupier of the land where the incident occurred, or both.
- 10.2 In the event of a false alarm, the Fire Services Department shall charge the fees set out in the Fees and Charges Bylaw to the person who caused the false alarm, the owner or occupier of the land where the false alarm occurred, or both.

11. Offences:

- 11.1 Any person who contravenes any provision of this Bylaw is guilty of an offence by:
 - a) doing something that is prohibited by this Bylaw;
 - b) failing to do something that is required by this Bylaw; or
 - c) doing something in a manner different from that which is required by this Bylaw
- 11.2 Where a contravention of this Bylaw is of a continuing nature, every day during which the contravention continues, shall be deemed to be a separate offence.
- 11.3 A violation ticket shall be served upon the person named therein in accordance with the provisions of the *Provincial Offences Procedure Act*.
- 11.4 Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, that Peace Officer may serve that person with a municipal tag.
- 11.5 Notwithstanding Section 11.4, where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, that Peace Officer may serve that person with a municipal tag by personal service or by registered mail.
- 11.6 A municipal tag issued pursuant to this Bylaw shall specify the penalty in lieu of prosecution payable in respect to the contravention of this Bylaw, as set out in Schedule "A" for Specified Offences.
- 11.7 A person who has been issued a municipal tag pursuant to this Bylaw and has paid the penalty to the City by the date specified on that municipal tag, shall not be liable for prosecution of the subject contravention.
- 11.8 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.

Penalties:

- 11.9 A person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction for a fine not exceeding \$10,000 plus court costs, and in default of the payment of a fine imposed, a period of imprisonment not exceeding six (6) months.

- 11.10 The specified penalty for a breach of this Bylaw shall be \$250, unless otherwise specified in Schedule "A".
- 11.11 Penalties noted in the Fees and Charges Bylaw shall apply where a person has been penalized for the same offence within a 12 month period.
- 11.12 The levying and payment of a fine or imprisonment for any period provided in this Bylaw shall not relieve a person from paying any other fines, penalties, fees, charges, or costs for which that person is liable pursuant to this Bylaw.

Remedying Contraventions:

- 11.13 The Fire Chief is authorized to take any necessary steps to ensure enforcement of this Bylaw, or as authorized by the MGA.
- 11.14 Without limiting the generality of section 11.13, the Fire Chief is authorized to:
 - a) issue an order relating to fire services, requiring a person responsible for a contravention of this Bylaw to remedy that contravention;
 - b) enter on any land or structure to inspect the land or structure, to remedy any contravention of this Bylaw, or to enforce any term of this Bylaw;
 - c) carry out any work necessary to enforce any term of this Bylaw at the expense of the person responsible for the contravention of this Bylaw.

12. Severability:

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

13. Interpretation:

- 13.1 Wherever the provisions of this Bylaw are, or are deemed to be at variance with each other, the more restrictive of the two provisions shall apply.
- 13.2 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and masculine gender whenever the context so requires.
- 13.3 Any reference in this Bylaw to any federal or provincial statute shall mean that statute, as amended or replaced from time to time and any amendments thereto, and shall include any regulations enacted pursuant to that statute.
- 13.4 Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable municipal, provincial, or federal legislation.

14. Repeal:

- 14.1 Upon third reading of Fire Services Bylaw C14-16, Fire Services Bylaw C5-00 and any amendments thereto, are hereby repealed.

15. Effective Date:

15.1 This Bylaw becomes effective upon third and final reading.

READ a first time this 13th day of September 2016.

READ a second time this 13th day of September 2016.

READ a third time and passed this 13th day of September 2016.

Mayor

Director, Legislative Services

Date Signed: September 14, 2016

Schedule “A”

Specified Offences

Section	Offence	Penalty
4.1	Setting, causing, or allowing a prohibited fire to be set without a permit	\$150.00
4.2	Burning or allowing prohibited debris to be burned	\$1,000.00
4.3	Entering off-limit areas without authorization	\$500.00
4.4	Burning any substance or material, other than burnable debris, without a fire permit	\$250.00
4.5	Damaging or destroying of equipment	\$1,000.00
4.6	Driving a vehicle over any equipment at an incident without authorization	\$500.00
4.7	Obstructing or interfering with a fire fighter while carrying out their duties	\$1,000.00
4.8	Falsely representing oneself as a City fire fighter	\$500.00
4.9	Intentionally causing or allowing a false alarm to occur	\$250.00
4.10	Using a non-conforming fire pit or fireplace	\$250.00
5.3	Failure to take precautions while burning	\$500.00
6.1	Failure to report a fire	\$500.00
6.2	Failure to report a dangerous goods release	\$500.00
6.3	Failure to extinguish or report a fire	\$500.00
7.3	Providing false or misleading information in a fire permit application	\$500.00
8.3	Setting or allowing a fire to be set during a fire ban	\$150.00