

MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 839, 2012

Fire and Rescue Service Bylaw

A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE & RESCUE SERVICE WITHIN THE MUNICIPALITY OF CROWSNEST PASS.

WHEREAS: Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26.1, and all amendments thereunto, authorizes a Council to 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 Municipal Council of Crowsnest Pass has been accredited by the Safety Codes Council in its respective Municipality;

AND WHEREAS: the Council of the Municipality of Crowsnest Pass wishes to establish Fire & Rescue Service within the Municipality of Crowsnest Pass and to provide for efficient operation of such Fire Services;

NOW THEREFORE: the Council of the Municipality of Crowsnest Pass in the Province of Alberta, duly assembled, hereby enacts as follows respecting the safety, protection of people and property and the establishment of a Fire & Rescue Service.

NOW THEREFORE, the Municipal Council of the Municipality of Crowsnest Pass, Alberta, duly assembled, hereby enacts as follows:

PART 1: NAME

1.0 This Bylaw may be cited as the Fire and Rescue Service Bylaw.

PART 2: DEFINITIONS

2.0 In this bylaw, except where otherwise defined:

2.1 **“ACT”** means Forest Protection Area Regulation 149/99 (enforced by Forestry Division), Soil Conservation Act (enforced by appointed soil conservation officers), Environmental Protection and Enhancement Act (enforced by Peace Officers and RCMP), Municipal Government Act.

2.2 **“ACCEPTABLE FIRE PIT”** means an outdoor receptacle that meets the following specifications:

- (i) a minimum of 3 metres clearance, measured from the nearest fire pit edge is maintained from buildings, property lines or other combustible material;
- (ii) the fire pit height does not exceed .6 metres when measured from the surrounding grade to the top of the pit opening;
- (iii) the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;
- (iv) the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief; and
- (v) a spark arrestor mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.

2.3 **“ACCEPTABLE FIRE PLACE”** means a an outdoor receptacle that meets the following specifications:

- (i) A minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
- (ii) The fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
- (iii) The fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
- (iv) The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- v) The base of the fire burning area is not less than .3 metres above the surrounding grade; and
- (vi) The fire chamber does not exceed 1.25 metres in width, and is at least .4 metres but not more than .6 metres in depth.

- 2.4 **“APPARATUS”** any fire or rescue vehicle provided with machinery, devices, equipment or materials for fire fighting, rescue, and any other vehicle used to transport members or supplies.
- 2.5 **“BURNABLE DEBRIS”** means those materials permitted to be burned in accordance with Statutes and Bylaws written to protect and enhance the environment, and shall include, but are not limited to, materials described as:
- (i) straw and stubble;
 - (ii) grass and weeds;
 - (iii) leaves and tree pruning’s;
 - (iv) brush and fallen trees on newly cleared land or associated logging operations;
 - (v) used power, telegraph and telephone poles that do not contain preservatives;
 - (vi) wood material from the construction or demolition of buildings which does not contain wood preservatives;
 - (vii) solid waste from sawmills or planing mills with an annual production of less than 6500 cubic metres of lumber;
 - (viii) solid waste from post and pole operations that does not contain wood preservatives; or
 - (ix) solid waste from tree harvesting operations.
- 2.6 **“CHIEF ADMINISTRATIVE OFFICER”** means the Chief Administrative Officer of the Municipality appointed by Council, or the Director(s) of Department(s) designated by the Chief Administrative Officer.
- 2.7 **“CARRY ON”** means to carry on, continue, operate, perform, keep, hold, occupy, deal in or use a thing, object or practice for gain.
- 2.8 **“COUNCIL”** means the duly elected officers of the Municipality and the Chief Elected Officer.
- 2.9 **“CROWSNEST PASS REGULATION”** means any agreement, fire protection boundary or any requirement for Fire & Rescue Service as required by the Crowsnest Pass Regulation 197/2002 and any amendments thereunto.
- 2.10 **“DANGEROUS GOODS”** means any product, substance or organism specified in the Regulations or included by its nature in any of the classes listed in the Regulations under the *Transportation of Dangerous Goods Control Act*, R.S.A. 1980, Chapter T-6.5, as amended.
- 2.11 **“DIRECTOR OF COMMUNITY AND PROTECTIVE SERVICES”** means the Director of Community and Protective Services designated by the Chief Administrative Officer.
- 2.12 **“EQUIPMENT”** means any tools, contrivances, devices or materials used by the Fire & Rescue Service.

- 2.13 **“FEES AND CHARGES BYLAW”** means The Municipality of Crowsnest Pass Fees and Charges Bylaw as amended from time to time.
- 2.14 **“FIRE GUARDIAN”** means that person or persons named or appointed by Council as a Fire Guardian (s) on or before April 01 of each calendar year pursuant to the Forest and Prairie Protection Act.
- 2.15 **“FIREWORKS”** means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivision 1 and 2 in Section 14 of the Explosives Regulations (Canada) and Section 5.2 of the Alberta Fire Code.
- 2.16 **“FIRE & RESCUE SERVICE”** means the service established by this bylaw and includes any person duly appointed to the Fire & Rescue Service by the Chief Administrative Officer or The Manager Protective Service/Fire Chief.
- 2.17 **“FIRE PERMIT APPLICATION”** means an application form prescribed by Fire & Rescue Service, attached to this bylaw for the purposes of applying for fire permits.
- 2.18 **“FIRE PERMIT”** means a fire permit in a form prescribed by The Fire Chief.
- 2.19 **“FIREWORKS PERMIT”** means a fireworks permit in a form prescribed by the Municipality of Crowsnest Pass.
- 2.20 **“FIRE PROTECTION”** means all aspects of fire safety, including but not limited to fire prevention, fire fighting or suppression, Fire Smart initiatives, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development, fire advisement, responding to requests for fire protection including legitimate emergencies, false alarms, mutual aid agreements, and provincial emergencies affecting the Municipality.
- 2.21 **“INCIDENT”** means a situation where the Fire & Rescue Service is required to respond to a fire, explosion, Dangerous Goods, medical, rescue or other emergency event.
- 2.22 **“INCIDENT COMMANDER”** means the first qualified Member of the Service in attendance at an Incident who assumes command in accordance with policies and procedures of the Service.
- 2.23 **“INCINERATOR FIRE”** means a fire that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size not larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, which fire is set for the purpose of burning refuse, excepting plastic products.
- 2.24 **“MANAGER PROTECTIVE SERVICES/FIRE CHIEF”** means the Manager of The Fire & Rescue Service for the Municipality that performs the duties and responsibilities of a Fire Chief, herein after known for the purposes of this bylaw the Fire Chief.
- 2.25 **“MEMBER”** means any person or officer who is a duly appointed by the Chief of The Fire & Rescue Service as a member of The Crowsnest Pass Fire & Rescue Service or any person or employee of an agency asked by the Fire Chief to assist at an Incident.
- 2.26 **“MUNICIPALITY”** means The Municipality of Crowsnest Pass.
- 2.27 **“OFFICER”** means a Fire and Rescue Service member duly appointed as an Officer by the Fire Chief.
- 2.28 **“OPEN AIR FIRE PERMIT”** means an approved application in writing in the prescribed form set out by the Municipality of Crowsnest Pass Fire & Rescue Service and such other information as may be required by The Fire Chief.
- 2.29 **“OPEN FIRE”** means any fire which is not an incinerator fire, pit fire, public park site fire and which, without limiting the generality of the foregoing shall

include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.

- 2.30 **“OWNER”** means
- (i) In respect of unpatented land, the Crown
 - (ii) In respect of other land, the person who is registered under the Alberta Land Titles Act , RSA 2000, c L-4 as amended from time to time;
 - (iii) A person who is the lessee of Crown land and that Person’s successors, agents and assigns;
 - (iv) In respect of any property other than land, the actual owner, occupant, operator or person in lawful possession of the property
- 2.31 **“PART TIME MEMBER”** means a person who is a duly appointed by the Fire Chief as a Member of Fire & Rescue Service.
- 2.32 **“PEACE OFFICER”** means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed pursuant to the provisions the Police Act of Alberta R.S.A. 2000, Chapter P-17, as amended or repealed and replaced from time to time.
- 2.33 **“PIT FIRE”** means a fire which is totally confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth and such fire may only be fuelled with dry wood, charcoal, coal, natural gas or propane.
- 2.34 **“PORTABLE APPLIANCE”** means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- 2.35 **“PROHIBITED DEBRIS”** means any material that when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with Statutes and Bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:
- (i) Animal cadavers;
 - (ii) Animal manure;
 - (iii) Pathological waste;
 - (iv) Non-wooden material;
 - (v) Combustible material in automobiles;
 - (vi) Combustible material in automobile bodies;
 - (vii) Tires;
 - (viii) Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (ix) Solid waste from sawmills or planing mills with an annual production in excess of 6500 cubic metres of used oil;
 - (x) Wood or wood products containing substances for the purposes of preserving wood; or
 - (xi) Household refuse.
- 2.36 **“PROPERTY”** means any real or personal property which without limiting the generality of the foregoing includes land and structures.
- 2.37 **“PUBLIC PARK SITE FIRE”** means a fire on land owned or leased by the Municipality or its agents for recreational purposes and is confined to either a non-combustible container supplied by the Municipality, as approved by the Fire Chief or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane.
- 2.38 **“RUNNING FIRE”** means a fire burning without being under the proper control of any person including Forest fires, grassland fires.

- 2.39 “**SMUDGE FIRE**” means a fire confined within a non-combustible structure or container that is set on land of 2 acres or more in area, for the purpose of protecting livestock from insects or for protecting garden plants from frost.
- 2.40 “**TERMS AND CONDITIONS**” means those terms and conditions prescribed by Fire & Rescue Services, any and all regulations and mutual aid agreements, and which shall be and form part of the Fire Permit Application and Fire Permit the Land Use Bylaw of the Municipality and all amendments thereto as approved by Council.
- 2.41 “**VIOLATION TICKET**” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act RSA 2000 c. P-34 as amended from time to time the person that obtains a licence from the Municipality pursuant to this Bylaw.

PART 3: FIRE & RESCUE SERVICES AUTHORITY

- 3.0 The Council does hereby establish The Crowsnest Pass Fire & Rescue Service, for the purpose of:
- 3.1 Responding to incidents of an emergent nature with the intent to protect lives and preserve property in accordance with Fire & Rescue Service Policy.
- 3.2 Responding to rescue and medical assist incidents in accordance with Fire & Rescue Service Policy.
- 3.3 Inspecting and investigating situations or incidents in accordance with Fire&Rescue Service Policy.
- 3.4 Operating within the parameters of the Crowsnest Pass Regulation and all pertinent legislation.
- 3.5 Entering into agreements with other Municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment.
- 3.6 Purchasing and operating apparatus and equipment for firefighting, rescue, training, public education, fire prevention; and
- 3.7 Enforcing the provisions of the *Safety Codes Act* and its regulations as defined in the Municipality’s Quality Management Plan – Fire Discipline.

PART 4: FIRE CHIEF

- 4.0 The Fire Chief authority is granted by Municipal policy, and this Bylaw. The Manager of Protective Services/Fire Chief shall ultimately be responsible to the Chief Administrative Officer and known for the purposes of this bylaw as the Fire Chief.
- 4.2 The Fire Chief shall perform such functions and have such powers and responsibilities as the Chief Administrative Officer may from time to time prescribe.
- 4.3 The Fire Chief is responsible for the administration of The Fire& Rescue Service including:
- (i) Use, care and protection of Fire and Rescue Service Property and Equipment
 - (ii) The conduct and discipline of Officers, members and volunteers;
 - (iii) Efficient operation of the Fire and Rescue Service, and;
 - (iv) The responsibility of being the spokesperson and authority of the Fire & Rescue Service.
- 4.4 Regulations, rules or policies of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.

- 4.5 The Fire Chief, or any Member designated by the Fire Chief to be in charge at an incident, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.6 The Fire Chief, or any other Member designated by the Fire Chief to be in charge at an incident, 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 the Manager, Fire Services deems necessary.
- 4.7 Upon approval of the Chief Administrative Officer or his designate, negotiate on behalf of the Chief Administrative Officer with the Provincial Government of Alberta, other Municipalities and persons for the purpose of establishing Mutual Aid Agreements and Fire Control Agreements with recommendations and concerns regarding the establishing or renewing of any Mutual Aid Agreement or Fire Control Agreement or amendments thereto.
- 4.8 For the purpose of Fire Investigations and Inspections, the Fire Chief may obtain assistance from other Officials of the Municipality, as he deems necessary, in order to discharge his duties and responsibilities under this Bylaw.
- 4.9 The Fire Chief or any Member designated by the Fire Chief to be in charge may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
- 4.10 The Fire Chief or any Member designated by the Fire Chief to be in charge may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits set by him with respect to a fire or emergency incident.
- 4.11 The Fire Chief or any Member designated by the Fire Chief to be in charge 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 of being on fire, and in guarding and securing same, and in demolishing a building or structure at or near the incident.
- 4.12 The Fire Chief or any Member designated by the Fire Chief to be in charge is empowered to commandeer privately owned equipment which he considers necessary to mitigate an incident.
- 4.13 The Fire Chief or any Member designated by the Fire Chief to be in charge shall provide the Fire & Rescue Service within the boundaries of the municipality and such further areas beyond the boundaries of the Municipality where provided.
- 4.14 The Fire Chief or any Member designated by the Fire Chief to be in charge is empowered to respond to an Incident beyond the boundaries of the Municipality if the Incident may require such service. The Fire Chief shall use his discretion to ascertain the response type and protocol.

PART 5: FIRE GUARDIANS

- 5.1 By virtue of the Forest and Prairie Protection Act Revised Statutes of Alberta 200 C. F-19 S4(1)(2) (3) The Chief Elected Official, Chief Administrative Officer and each councilor by virtue of their offices are fire guardians in and for the municipal district.
- 5.2 Each year before the 1st day of April, may appoint additional Fire Guardians and specify their powers and duties respecting the provisions of the Forest and Prairie Protection Act and this By-Law within the boundaries of the Municipality.
- 5.3 Council may limit the authority and power of the Fire Guardians respecting this Bylaw through resolution.

PART 6: REQUIREMENT TO REPORT

- 6.0 The following sections are required for reporting an incident:
- 6.1 The owner or his authorized agent of any property damaged in an incident shall provide a report which includes particulars of the incident to The Crowsnest Pass Fire & Rescue Service satisfactory to the Fire Chief.
- 6.2 The owner or his authorized agent of any property containing a dangerous good(s) product which sustains an accidental, deliberate or unplanned release or spill of the dangerous goods(as) product shall immediately report to the Fire Chief particulars of the release or spill which are satisfactory to the Fire Chief.
- 6.3 A person who fails to comply with Part 6,6.0(6.1),(6.2) is guilty of an offence and is liable for the penalty set out in Schedule A of this Bylaw.

PART 7: OPEN AIR FIRES

- 7.0 Open air fires are regulated as follows:
- 7.1 No person shall permit an open air fire or any other fire upon land owned, occupied, or under his or her control within the Municipality, unless a permit has been obtained, the provisions outlined on the permit are complied with, and burnable debris is burned.
- 7.2 Notwithstanding Section 5.1, a permit shall not be required under this Bylaw to conduct:
- (i) The cooking of food using a portable barbecuing appliance;
 - (ii) Recreational burning or the cooking of food in acceptable fire pits or acceptable fireplaces, provided:
 - (iii) Only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
 - (iv) The fire pit or fireplace is not used to burn prohibited debris;
 - (v) A means, acceptable to the Fire Chief of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - (vi) A responsible adult is present on the property when the fire is burning;
 - (vii) Burning in fireplaces in or attached to dwellings as provided by Legislation;
 - (viii) Burning in Municipal owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Municipality;
 - (x) Burning in an incinerator for which a permit to construct and licence to operate has been issued pursuant to the applicable Legislation; or
 - (xi) Burning by the Municipality of Crowsnest Fire and Rescue Service for the purpose of training its members

PART 8: PROCEDURE TO OBTAIN A FIRE PERMIT

- 8.0 Any person wishing to obtain an Open Air Fire Permit shall apply to the Fire Chief during the normal business hours of the Municipality.
- 8.1 Each application for an Open Air Fire Permit shall contain the following information:
- (i) 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;
 - (ii) The legal and municipal description of the land on which the applicant proposes to set a fire;

- (iii) The period of time for which the fire permit is required;
 - (iv) The precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - (v) The signature of the applicant; and
 - (vi) The written consent to the proposed fire by the owner of the land (if different than the applicant).
- 8.2 Upon receipt of an application for a permit, the Fire Chief shall consider the permit application, and may, pursuant to the provisions of this Bylaw, The Forest and Prairie Protection Act and the Alberta Fire Code:
- (i) refuse to grant a permit;
 - (ii) Grant a permit with or without terms and conditions as he deems appropriate; or
 - (iii) Determine that a permit is not required.
- 8.3 Without limiting the generality of Section 8, if a fire pit is not an acceptable fire pit or if a fireplace is not an acceptable fireplace, the Fire Chief may issue a permit if satisfied that the non-conforming fire pit or fireplace meets appropriate safety standards.
- 8.4 The permit fee shall be as set out in the Fees and Charges Bylaw and shall be paid upon approval of the permit application.
- 8.5 A permit shall not be transferable.
- 8.6 Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief and the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 8.7 The Fire Chief may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.

PART 9: RECOVERY OF COSTS

- 9.1 Where The Fire & Rescue Service has taken any action whatsoever for the purpose of Fire and Rescue Service site inspections for regulated occupancies' requested site inspections and required fire investigations, business inspections, file search, report copies, duplicate of photograph, photocopy of photograph, permit to sell any fireworks or shop goods, permit to discharge fireworks, site inspection or an open air fire permit, the permit fee as set out in the Fees and Charges Bylaw shall be paid to The Municipality.
- 9.2 Extinguishing a fire or responding to a fire call or incident within or outside the Municipality or for the purpose of preserving life or property from injury or destruction by fire or other incident, on land within or outside the Municipality, including any such action taken by The Fire & Rescue Service on a false alarm, the Fire Chief may, in respect of any costs incurred by The Fire & Rescue Service in taking such action, charge any costs so incurred by The Fire & Rescue Service to the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
- 9.3 The schedule of fees and charges to be charged by The Fire & Rescue Service for services rendered pursuant to this Bylaw shall be as set out in the Fees and Charges Bylaw.
- 9.4 In respect of the fees and charges regarding fire permits described in Sections 7.1 and 7.2 respectively:
- (i) the Municipality may recover such fees or charges as a debt due and owing to the Municipality; or
 - (ii) in the case of action taken by Fire & Rescue Services in respect of land within the Municipality, where the fees or charges are not paid upon demand by the Municipality, 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.

- (iii) Collection of unpaid Fire & Rescue Service fees charged in accordance with the Fees and Services Bylaw may be undertaken by civil action in a Provincial Court and any civil action does not invalidate any lien which the Municipality is entitled to on the property in respect of which the indebtedness is incurred.

9.5 The owner of a property requiring an inspection shall be responsible for payment of inspection fees as set out in the Fees and Charges bylaw.

PART 10: ENFORCEMENT

10.0 No person shall light a fire unless they are the holder of a subsisting Fire Permit if required under the Bylaw or the Forest and Prairie Protection Act Revised Statutes of Alberta 2000 Chapter F-19, its regulations and as amended from time to time.

10.1 No person shall allow a Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to the Bylaw.

10.2 When a fire is lit under the circumstances described in Section 7.2 the owner or occupier of the land or the person having control of the land upon which such fire is lit shall by order of the Fire Chief on the declaration of a fire ban:

- (i) Extinguish the fire immediately, or
- (ii) Where he is unable to extinguish the fire immediately, report the fire to the Fire Department.
- (iii) Ignite a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- (iv) No person shall light a fire, without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- (v) No person shall place prohibited debris within a fire without prior approval.
- (vi) No person shall light a fire or charcoal-fired barbecue during a municipal or provincial fire ban pursuant to the Forest Prairie Protection Act.
- (vii) No person shall obstruct a municipal constable, fire guardian or Member of the Fire & Rescue Service in the performance of their duties pursuant to this bylaw or the Forest Prairie Protection Act. Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals.
- (viii) No person shall provide false information when applying for a fire permit.
- (viii) No person shall, either directly or indirectly, personally or through an agent, servant or employee disclose false information when applying for a fire permit.
- (x) Any person whether in possession of a valid 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.

10.3 No person shall impede, obstruct or hinder a member or other person assisting or acting under the direction of the Fire Chief or any other Member designated by the Fire Chief to be in charge at an incident.

10.4 No person shall damage or destroy Fire & Rescue Service apparatus or equipment.

10.5 No person shall drive a vehicle over any apparatus, equipment or hose without permission of the Fire Chief or any other member designated by the Fire Chief to be in charge at an incident.

10.6 No person shall at an incident enter the boundaries or limits of an area prescribed in accordance with Section 4 (4.9 and 4.10) unless he or she has been

authorized to enter by the Fire Chief or any other member designated by the Fire Chief to be in charge at an incident.

- 10.7 No person shall falsely represent themselves as a member of the Crowsnest Pass Fire & Rescue Service or wear or display any fire cap, button, insignia, uniform, badge, or other fire apparel or paraphernalia for the purpose of such false representation or personation.
- 10.8 No person shall obstruct or otherwise interfere with access roads, streets, highways or any approach to any fire alarm, fire hydrant, cistern, body of water designed to assist in fire fighting purposes, body of water or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern, or other water supply or source designated or needed for firefighting purposes.
- 10.9 No person shall violate any conditions stated within the approved fire permit

PART 11: PENALTIES

- 11.0 The Fire Chief may terminate, suspend, or cancel a fire permit upon contravention of any provision of this Bylaw.
- 11.1 Where a person:
- (i) Fails to obtain a permit as required under this bylaw; or
 - (ii) obtains a permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the Permit; or
 - (iii) Did not originally require a Permit, but whose actions brought an open air fire under the requirement for a permit as defined herein; and
 - (iv) permits a fire beyond the control of the person, resulting in an Incident or and an incident results then such person shall be liable to pay all costs of all Fire & Rescue response service incurred by the Municipality of Crowsnest Pass Fire & Rescue Services, and the Municipality shall be able to recover from such person all such costs as a debt owing to the Municipality.
- 11.2 Any person who contravenes any sections and provisions of this Bylaw is guilty of an offence and is liable for the penalty set out in Schedule A of this Bylaw.
- 11.3 When a person is alleged to have contravened any provision of this Bylaw, a Peace Officer may issue a violation ticket pursuant to the Provincial Offences Procedure Act, R.S.A 2000 c. P-24.
- 11.4 In addition, any owner, agent, lessee or occupier of any premises or property within the Municipality who fails to comply with Part VI-X of this Bylaw will be liable for fines listed in Schedule A.

PART 12: POWERS OF PEACE OFFICERS

- 12.1 Peace Officers are hereby authorized in accordance with Section 542 of the Municipal Government Act to enter into any premises or property after giving reasonable notice to the owner of the premises or property to be inspected; and to inspect for conditions that may contravene or fail to comply with the provisions of this Bylaw.
- 12.2 A Peace Officer, when investigating an alleged contravention of this Bylaw is hereby authorized to enter upon any premises or property other than a dwelling unit, to inspect for conditions that may contravene the provisions of this Bylaw. A Peace Officer may thereafter issue a verbal or written order to the Owner to remedy any condition(s) of the subject Premises or Property that have been found to be in contravention of this Bylaw.
- 12.3 Any person who contravenes any sections and provisions of this Bylaw is guilty of an offence and is liable for the penalty set out in Schedule A of this Bylaw.

- 12.4 When a person is alleged to have contravened any provision of this Bylaw, a Peace Officer may issue a violation ticket pursuant to the Provincial Offences Procedure Act, R.S.A 2000 c. P-24.
- 12.5 In addition, any owner, agent, lessee or occupier of any premises or property within the Municipality who fails to comply with Part II of this Bylaw will be liable for fines listed in Schedule A.
- 12.6 A person who fails to comply with any provision contained in the Bylaw, except for the failure to hold a subsisting Fire Permit which is otherwise provided for under Section 8 of the Bylaw, is guilty of an offence and is liable on summary conviction to imprisonment to a term of not more than six (6) months, or to a fine of not more than Twenty Five Hundred (\$2,500.00) Dollars, or to both a fine and imprisonment.
- 12.7 Where a person contravenes the same provision of this bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention shall double in the amount as prescribed in Schedule A of this bylaw in respect of that provision.
- 12.8 Where a person contravenes the same provision of this bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third contravention shall be the amount prescribed in the Subsequent offence prescribed in Schedule A of this bylaw in respect of that provision.

PART 13: PENALTIES

- 13.0 Any person who contravenes, disobeys, refuses or neglects to obey any provision of this Bylaw by doing an act or thing which they are prohibited from doing herein or failing to do any act or thing they are required to do herein, is guilty of an offence and is liable, upon summary conviction, to the appropriate fine as outlined under Schedule A.
- 13.1 Where a person is convicted of carrying on a business for which a fee is payable, without having paid the fee, the court may direct payment of the applicable licence fee to the Municipality, in addition to any fine imposed.

PART 14: SEVERABILITY

- 14.1 If any Section or Sections of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaw 678/2006 and 280/1991, 375/1996 is hereby rescinded.

That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time this 6th day of March, 2012.

CARRIED UNANIMOUSLY

Bruce Vernon Decoux
Bruce Decoux
Mayor

Original Signed

Myron Thompson
Myron Thompson
Chief Administrative Officer

READ a second time this 20th day of March, 2012.

CARRIED UNANIMOUSLY

READ a third time and finally passed this 20th day of March, 2012.

CARRIED UNANIMOUSLY

Bruce Vernon Decoux
Bruce Decoux
Mayor

Original Signed

Myron Thompson
Myron Thompson
Chief Administrative Officer

FEE SCHEDULE
Schedule A – Specified Penalty

Section	Specified Penalty	Second or Subsequent Offence in the same Calendar Year	Third or Subsequent Offence in the Same Calendar Year
Part 6			
(6.1) (6.2)	\$250.00	\$500.00	\$1000.00
Part 7			
7.1	\$250.00	\$500.00	\$1,000.00
Part 10			
10.1	\$250.00	\$500.00	\$1,000.00
10.2 (i-x)	\$250.00	\$500.00	\$1,000.00
10.3	\$1000.00	\$5,000.00	\$10,000.00
10.4	\$250.00	\$500.00	\$1000.00
10.5	\$500.00	\$1,000.00	\$2,000.00
10.6	\$250.00	\$5,000.00	\$10,000.00
10.7	\$1000.00	\$5,000.00	\$10,000.00 and subject to Provincial Offence and Criminal Code Applications
10.8 and 10.9	\$1000.00	\$5,000.00	\$10,000.00 and subject to Provincial Offence and Criminal Code Applications
Part 11			
11.1 (i)	\$250.00	\$1000.00	\$5000.00
11.1 (ii)	\$250.00	\$2000.00	\$5000.00
11.1 (iii)	\$250.00	\$500.00	\$1000.00
11.1 (iv)	\$1000.00 plus cost recovery	\$5000.00 Plus cost recovery	\$10,000.00 Plus cost recovery

Schedule B – Fees and Charges

Inspections

Fire Inspections (initial annual and follow-up)	\$	No charge
Second and subsequent follow-up Fire Inspections inspection	\$	115.00/per

Certificates

Occupant Load Certificates	\$	40.00
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Apparatus/Unit Response

Command Unit	\$	175.00/hr
Rescue Unit (includes up to five firefighters)	\$	450.00/hr
Pump Unit (includes up to six firefighters)	\$	450.00/hr
Off Road Vehicle and one firefighter or designate	\$	80.00/hr

Hourly Human Resources Rate

Hourly rate per firefighter or designate	\$	40.00/hr/mbr
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Permits

Fire Permits	\$	20.00
Professional Fireworks Display Permit	\$	200.00

Schedule C – Fire Permit Application

Municipality of Crowsnest Pass Fire & Rescue Service Fire



Permit

Applicant

Applicant Name (print)			
Company Name:			
Company Address:		Phone:	
Mailing Address:			
Telephone	Fax	Email:	Cell:
Land Description on which Permit is requested:			
Issue Date:	Burn Date:	All trace of fire must be extinguished by:	
Expiry Date:		Date:	Time:

Conditions of Permit

The following conditions shall be adhered to at all times or this permit may be withdrawn, the fire extinguished, and a response fee may be charged to the permit holder.

- Size of lot shall be .35 acres or larger
- Burning piles shall be no closer than 50 feet to a structure
- Burning is restricted to daylight hours. Twilight hours are prohibited
- Burning to be supervised at all times by a person over 18 yrs. of age
- A sufficient supply of water shall be maintained near the burn to extinguish the fire
- Burning piles shall be no larger than 5 feet in diameter and 2 feet in height
- The Municipality of Crowsnest Pass Fire Chief shall issue and monitor all permits
- Violation of this permit may result in a fine of up to \$10,000.00
- **This permit is approved to the burning of dried wood, leaves or grass only**

Signature of Permit Applicant: _____ **Date:** _____

Additional or Special Approvals Attached in Writing
All Documents required by Bylaw 839/2012 attached

(a. checklist attached

Site Inspection completed with notes on file

Copy for Office files and copy to permit applicant

Yes	No
Yes	No
Yes	No
Yes	No
Yes	No

Fire Chief Approval Signature: _____ **Date:** _____