

## VILAGE OF HUGHENDEN

### BYLAW NO. 467-08

A BYLAW OF THE VILLAGE OF HUGHENDEN, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AND PROVIDE FOR THE OPERATION OF A FIRE SERVICE

WHEREAS pursuant to the Municipal Government Act, as amended, Council for the Village of Hughenden may pass a bylaw for the purposes of respecting the safety, health, and welfare of people and the protection of people and property within the Village of Hughenden boundaries;

AND WHEREAS the Council for the Village of Hughenden wishes to establish a Fire Service and provide for the efficient operation of that Fire Service;

AND WHEREAS the Village of Hughenden has been accredited by the Safety Code Council in the discipline under Joint Accreditation Number J000118.

NOW THEREFORE COUNCIL OF VILLAGE OF HUGHENDEN DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. **SHORT TITLE:**

This Bylaw shall be called the Fire Services Bylaw

2. **DEFINITIONS:**

In this Bylaw, unless the context otherwise requires:

- 2.01 **ACCEPTABLE FIRE PIT** shall mean an outdoor receptacle that meets the following specification:
- a. A required minimum of 3 metres clearance, measured from the nearest fire pit edge to building, property line or other combustible materials;
  - b. The fire pit height does not exceed 0.6 metres when measured from the surrounding grade to the top of pit opening;
  - c. The fire pit opening does not exceed 1 metre wide in with or in diameter or when measured between the widest points or outside edges;
  - d. The fire pit installation has enclosed sides made from bricks, concrete bricks, heavy gauge metal or other non-combustible materials acceptable to the Fire Chief or his designate; and
  - e. A spark arrester mesh screen with openings no larger than 1.25 centimetres, to be constructed of expanded material (or equivalent non combustible materials) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks.

- 2.02 **ACCEPTABLE FIRE PLACE** shall mean an outdoor receptacle that meets the following specifications:
- a. A minimum of 1 metre clearance measured from the nearest fire place edge to buildings, property lines, or other combustible materials;
  - b. The fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
  - c. The fireplace is equipped with a chimney that is no less than 2.5 metres in height when measured from the base of the fire burning area;
  - d. The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of air borne sparks;
  - e. The base of the fire burning area is no less than 0.3 metres above the surrounding grade; and
  - f. The fire chamber does not exceed 1.25 metres in width, and is at least 0.4 metres but not more than 0.6 metres in depth.
- 2.03 **APPARATUS** shall mean any vehicle operated by the Fire Department and designed to travel over land, air or water, which may be provided with machinery, devices, equipment or materials for fire fighting, and includes any vehicles used to transport fire fighters or supplies
- 2.04 **BURNABLE DEBRIS** shall mean those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment as mandated by the Alberta Environmental Protection and Enhancement Act. It shall include, but not be limited to, the materials described as:
- a. Brush and fallen trees on newly cleared land;
  - b. Used power, telegraph and telephone poles that do not contain preservatives;
  - c. Unpainted wood material from construction or demolition of buildings which does not contain wood preservatives;
  - d. Solid waste from post and pole operations that does not contain wood preservatives;
  - e. Solid waste from tree harvesting operations;
  - f. Grass and weeds; and
  - g. Leaves and tree prunings.
- 2.05 **PORTABLE APPLIANCE** shall mean any appliance sold or constructed for the purpose of cooking food in the out of doors.
- 2.06 **PROHIBITED DEBRIS** shall mean any material that, when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes or bylaws written to protect and enhance the environment, and shall include, but are not limited to, materials described as:

- a. Animal Cadavers;
  - b. Animal manure;
  - c. Pathological waste;
  - d. Non-wooden materials;
  - e. Combustible material in automobiles and automobile bodies;
  - f. Tires;
  - g. Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
  - h. Used oil;
  - i. Wood and wood products containing substance for the purposes of preserving wood; or
  - j. Household refuse.
- 2.07 **BUSINESS INSPECTIONS** shall mean the compliance monitoring performed by the Fire Chief or his designate, Fire Commissioner's office or a licensed inspector to maintain conformance with Alberta Fire Code and standards under the Safety Code Act of Alberta and Regulations.
- 2.08 **CHIEF ADMINISTRATIVE OFFICER** shall have the same meaning as in the Alberta Municipal Government Act, R.S.A. 2000 C.M-26, as amended, repealed or replaced from time to time.
- 2.09 **BYLAW ENFORCEMENT OFFICER** shall mean a Bylaw Enforcement Officer or his designate appointed by the Village of Hughenden.
- 2.10 **COUNCIL** shall mean the Council of the Village of Hughenden
- 2.11 **DANGEROUS GOODS** shall mean any material or substance that may constitute an immediate or long term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment and includes those products, substance and organisms covered by the Transportation of Dangerous Goods Regulations (Canada), or an successor Regulation.
- 2.12 **EQUIPMENT** shall mean any tools, contrivances, devices or materials used by the Fire Department to combat an Incident or other emergency, or to perform any other function of the Fire Department.
- 2.13 **FIRE CHIEF** shall mean the Fire Chief or his/her designate of the Hughenden Fire and Rescue Department.
- 2.14 **FIRE DEPARTMENT** shall mean Hughenden Fire and Rescue Department of the Village of Hughenden and Municipal District of Provost.
- 2.15 **FIRE PROTECTION** shall mean all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre fire planning, fire investigation, public education and

information, training or other staff development and advising as may be authorized by Council from time to time.

- 2.16 **FIRE PERMIT** shall mean approval in writing, in a format approved by the Council of the Village of Hughenden, and shall include other information as may be required by the Fire Department.
- 2.17 **FIRE WORKS** shall mean the fire works listed in Class 7, Division 1, Class 7, Division 2 and Subdivision 1 and 2 in Section of 14 of the Explosive Regulations (Canada).
- 2.18 **FIRE WORKS PERMIT** shall mean an approved written application in the prescribed form set out by the Council of the Village of Hughenden to sell, purchase or discharge as required, under the Alberta Fire Code 2007.
- 2.19 **INCIDENT** shall mean a fire or an emergency situation where a fire or an explosion is imminent or any other emergency situation presenting a danger or possible danger to life or property and to which the Fire Department has responded.
- 2.20 **INCIDENT COMMANDER** shall mean that Member of the Fire Department responsible for Fire Department resources and actions at an Incident.
- 2.21 **MEMBER** shall mean any people that is a duly appointed member of the Fire Department, including those persons conscripted or who are asked to assist by the Fire Chief or Incident Commander, at an Incident.
- 2.22 **OPEN FIRE** shall mean any fire which is not an Acceptable 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 and chattel fires.
- 2.23 **PUBLIC PARK SITE FIRE** shall mean a fire on land owned or leased by the Village of Hughenden or its agent for recreational purposes and is confined to either a non-combustible container supplied by the Village of Hughenden, 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 fueled with seasoned wood, charcoal, coal, natural gas or propane. Such fires shall be maintained in a safe and reasonable manner and supervised at all times.
- 2.24 **REGULATED OCCUPANCIES** shall mean those businesses required to determine and to publicly post occupancy loads in accordance with the Alberta Fire Code 2007 and other Regulations.
- 2.25 **RUNNING FIRE** shall mean a fire burning without being under control of any person.
- 2.26 **VILLAGE** shall mean the Village of Hughenden.
- 2.27 **VIOLATION TICKET** shall mean a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA, 2000, c. P.34 , as amended and Regulation there under.

### 3 **FIRE DEPARTMENT**

Council hereby authorizes the establishment of the Hughenden Fire and Rescue and the carrying out of its operations in the following manner:

- a. The Fire Department of the Village of Hughenden shall consist of a Fire Chief, Members, Buildings, Apparatus, and Equipment as is deemed necessary by Council from time to time to safeguard the safety, health and welfare of people and property.
- b. The limits of the jurisdiction of the Fire Chief, and the Fire Department shall extend to the area and boundaries of the Municipal District of Provost, and no part of the Fire Apparatus shall be used beyond the limits of the village without express permission of the Fire Chief or his designate or alternately without the express authorization of a written contract or agreement providing for the supply of the fire fighting or rescue services outside of the village boundaries.

4 **FIRE CHIEF**

The Fire Chief shall be appointed by Council at each organizational meeting and shall report to Council at each regular Council meeting.

5. The Fire Chief may appoint Officers and Members as he deems necessary based upon the recommendations of a committee of members.
6. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
7. The Fire Chief may, upon the approval of Council, purchase or otherwise acquire Equipment, Apparatus, materials and supplies necessary for the operation, maintenance and administration of the Rescue Vehicles.
8. The Fire Chief shall perform such functions and have such powers and responsibility in addition to those set out in this Bylaw, as the Council may, from time to time, prescribe.
9. The Fire Chief, subject to municipal policy, shall have complete and full authority over the Fire Department, its Members, its organization, administration and discipline and is responsible for the development of rules, regulations, committees and policies necessary for the ongoing organization and administration of the Fire Department including:
  - a. Use, care, and protection of Fire Department Property; and
  - b. Efficient operations of the Fire Department
10. In addition to the above, the Fire Chief is required to carry out those fire protection activities and such other activities as Council may direct from time to time including but not limited to:
  - a. Rescue;
  - b. Other incidents;
  - c. Pre-fire planning;
  - d. Disaster response planning;

- e. Preventive patrols;
- f. Vehicle Extrication; and
- g. Emergency Medical Services (non transport).

### **POWERS AND RESPONSIBILITIES**

11. The Fire Chief, or an Incident Commander at an Incident, is empowered to cause a building, structure, or the thing to be pulled down, demolished, or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures, or objects.
12. The Fire Chief, or Incident Commander at any Incident may, at his discretion, establish boundaries or limits and keep persons from entering or remaining in the area within the prescribed boundaries or limits unless authorized to enter by him.
13. The Fire Chief, or Incident Commander at an Incident, may request persons who are not Members to assist in 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 fire or other Incident where the Fire Chief or Incident Commander at their discretion deems it necessary to prevent the spread of fire, or for reasons of public safety within the Village of Hughenden boundaries.
14. The Fire Chief or Incident Commander of an Incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an Incident and to authorize payment for such equipment within the Village of Hughenden boundaries.
15. The Fire Chief, or the Incident Commander may obtain assistance from other officials of the Village, or any outside agency, as deemed necessary, in order to fulfill duties and responsibilities under this Bylaw.
16. The Fire Chief shall be authorized to approve, with or without conditions, or refuse an application for a Fire Permit or Fireworks Permit.

### **CONSCRIPTION**

17. The Fire Chief or Incident Commander may compel adults, in the Village of Hughenden, for the time being to assist in the mitigation of any incident.
18. Such conscripted Members shall only be utilized in a capacity determined at the sole discretion of the Fire Chief or Incident Commander.

### **REQUIREMENT TO REPORT**

19. The Owner or authorized agent of a property damaged by fire shall immediately report the particulars of the fire to the Fire Chief in a manner and form satisfactory to the Fire Chief or his designate.

20. The Owner or authorized agent of any property containing a Dangerous Goods product or products which sustain accidental or unplanned release shall immediately report such spill or release to the Fire Chief in a manner and form satisfactory to the Fire Chief.

### **OPEN AIR FIRES**

21. No Person shall permit any type fire upon land owned, occupied, or under their control within the Village of Hughenden, unless a Fire Permit has been obtained, the provisions outlined on the permit are complied with, and Burnable Debris is burned.
22. Notwithstanding SECTION 21, a 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 Fire Places, provided:
    - (i) Only clean fuel is used such as natural gas, dry wood, or charcoal in the amounts which will be contained within the fire pit or fire place below the mesh screen;
    - (ii) The fire pit or fire place is not used to burn prohibited debris;
    - (iii) When 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
    - (iv) When a responsible adult is present on the property when the fire is burning.
  - c. Burning in campgrounds and parks where fire places, stoves and fire pits are provided by or approved by Council
  - d. Burning by the Fire Department for the purpose of training its Members or for the purpose of conducting a controlled burn to reduce hazardous conditions; or
  - e. Ground thawing fire by any utility company provided that notification is made to the Fire Department.
23. No person shall, without first obtaining written approval from the fire Department, discharge any Fireworks within the limits of the Village.
24. Nothing in the Bylaw shall be deemed to authorize any fire, burning or other act which is in contravention of the Environmental Protection and Enhancement Act, S.A. 1992, C.E.-13.3 any amendments thereto, or any Regulations made there under, and in the event of any conflict between the provision of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

### **FIRE PERMITS**

25. Any person wishing to obtain a Fire Permit must apply to the Fire Chief or a Department Officer during normal business hours of the Fire Department in accordance with the policies approved by Council.

- a. Any person wishing to obtain a Fire Pit Permit, Fireplace Permit or Open Fire Permit must contact the Fire Chief. The Fire Chief or his designate will inspect the Fire Pit, Fire Place or Open Fire area.
26. Fees for Fire Permits and services of the Department shall be approved by resolution of Council as required.
27. A Fire Permit shall not be transferable.
28. Fire Permits issued under this Bylaw are valid for such period of times as shall be determined by the Fire Chief and the Fire Permit shall have endorsed thereon the period of time which the said permit is valid.
29. The Fire Chief may extend the period of time that a Fire Permit is valid, provided the fire Permit is not expired. The Fire Chief may at his sole discretion, cancel or suspend any Fire Permit issued and order that any fire set under the provisions of the Fire Department, be extinguished immediately.
30. Without limiting the generality of SECTION 22, if a fire pit which was built prior to July 15, 2008 is not an Acceptable Fire Pit or if a fire place is not an Acceptable Fire Place, the Fire Chief may issue a variance if satisfied that the nonconforming fire pit or fire place can safely be used.
31. Nothing in this Bylaw shall contravene or circumvent the Alberta Fire Code 2007 or its regulation there under.

### **FEES**

32. Council may set fees by resolution for any service provided by the Fire Department,
  - a. The Village may recover such fees or charges as a debt due and owing to the Village, or
  - b. Where the fees or charges are not paid to the Village of Hughenden upon demand by the Council, then in default of payment, such fees or charges may be charged against the land as taxes due and owing in respect to that land.

### **PROHIBITIONS**

33. No person at an Incident shall impede, obstruct, or hinder a Member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or Incident Commander.
34. No person shall damage or destroy Fire Department Apparatus or Equipment.
35. No person shall enter or remain in the boundaries or limits of an area prescribed in accordance with SECTION 12 unless he has been authorized to enter by the Fire Chief or the Incident Commander.
36. No person at an Incident shall drive a vehicle over any Equipment without permission of the Fire Chief or the Incident Commander.
37. No person shall obstruct a member from carrying out duties imposed by the Bylaw.



- 38. No person shall falsely represent themselves as a Fire Department Member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.
- 39. No person shall obstruct or otherwise interfere with access roads or street or other approaches to any fire alarm, fire hydrant, cistern, or body of water designated for the fire fighting purposes or any connections provided to a fire main, pipe, standpipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.

**PENALTIES**

- 40. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by and of the provisions of this Bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this Bylaw, shall be deemed to be guilty of an infraction of this Bylaw, and upon conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$2,500 or less than \$200 or to both fine and imprisonment. Penalties for specific contravention of Bylaw 467-08 listed as follows;

<b>SECTION</b>	<b>OFFENCE</b>	<b>PENALTY</b>
25	Setting a fire without a permit	\$200.00
2.07(a-j)	Burning refuse, waste, junk, garbage, structures, or debris	\$150.00
23	Using Fireworks, or permitting use of Fireworks	\$250.00
31	Burning Recreational or Rubbish Fire when Fire Ban in place	\$200.00
	Contravening provision of Bylaw (where no other specific fine imposed)	\$200.00
32	Providing false, incomplete, misleading information; Impeding, obstructing, hindering Member of Officer	\$200.00
33	Damage, destroy Fire Department Property	\$400.00
37	Falsely represent self as Member of Fire Department	\$300.00
35	Drive over Fire Department Property	\$200.00
32	Obstruct access to Fire Department	\$200.00
32	Obstruct Member of Fire Department	\$200.00
2.24	Allowing Fire to become Running Fire	\$300.00
25	Failing to keep Recreational or Rubbish Fire under control	\$200.00
2.24	Lighting Recreational or Rubbish Fire when condition conducive to creating Running Fire	\$200.00
21	Lighting Fire on Village Land	\$250.00

**FIRE PROTECTION CHARGES**

- 41. The full cost incurred by the Village directly or indirectly in providing Fire Protection Services, utilizing the fire department or any portion thereof may be charged to a person found responsible

for lighting a fire, or allowing a fire to become a running fire. This may be determined by the Council in its sole discretion.

The full costs incurred by the Village in issuing and enforcing an order issued under Section 39, including any legal costs incurred, or a portion thereof may be charged to a person found responsible for obstructing or interfering with fire department operations. This may be determined by Council in its sole discretion.

**INDEMNITY**

- 42. The Fire Chief, or a Member of the Fire Department charged with the enforcement of this Bylaw, acting in good faith and without malice for the Village in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or by reason of any act or omission in the discharge of his duties
- 43. Any suit brought against the Fire Chief or a Member of the Fire Department, because of an act or omission performed by him in the enforcement of any provision of this Bylaw, shall be defended by the Village of Hughenden until final determination of the proceedings.

**EFFECTIVE DATE**

- 44. Bylaw No. 467-08 shall supersede all prior Fire Service Bylaws.
- 45. This Bylaw shall come into effect upon the date of third and final reading.

Read a first time this 15<sup>th</sup> of July A.D., 2008 in The Village of Hughenden.

Read a second time this 15<sup>th</sup> of July A.D., 2008 in The Village of Hughenden.

Read a third time and finally passed this 15<sup>th</sup> of July A.D., 2008 in The Village of Hughenden.

*Doug Chambers*  
MAYOR

*Maureen*  
CHIEF ADMINISTRATIVE OFFICER