

SUMMER VILLAGE OF WHITE SANDS
BYLAW NO. 172-19

A BYLAW OF THE SUMMER VILLAGE OF WHITE SANDS IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR CONTROL OF FIRES AND THE RECOVERY OF FIRE PROTECTION SERVICE COSTS.

WHEREAS the Municipal Government Act, R.S.A. 2000 C.M. 26 as amended, provides that the Council of a Summer Village may pass a bylaw for the safety, health and welfare of people, and the protection of people and Property, and for services provided by or on behalf of the Summer Village;

AND WHEREAS the Council of the Summer Village of White Sands wishes to regulate and control the use and setting of Fires within the Summer Village;

AND WHEREAS the Council of the Summer Village of White Sands wishes to provide for the recovery of Fire protection service costs incurred by the Summer Village;

NOW THEREFORE, the Council of the Summer Village of White Sands, duly assembled, enacts as follows:

SECTION 1 NAME OF BYLAW

- 1.1 This bylaw may be cited as the “Fire Bylaw”.

SECTION 2 DEFINITIONS

2.1 In this Bylaw:

- a. “Council” means the Council of the Summer Village of White Sands.
- b. “Chief Administrative Officer” shall have the same meaning as in the Municipal Government Act, R.S.A. 2000, C.M. 26, as amended or repealed and replaced from time to time.
- c. “Designated Officer” means a Designated Officer of the Summer Village of White Sands whose authority includes inspections and enforcement of Summer Village of White Sands bylaws.
- d. “Fire” means any combustible material in a state of combustion.
- e. “Fireworks” are any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation. This includes “Firecrackers”.
- f. “Fire Department” means the Fire Department of the Town of Stettler and/or any other Fire or emergency service organization providing assistance to the Summer Village in the suppression of a Fire, whether pursuant to the terms of an aid agreement or on an ad hoc basis.
- g. “Fire Department Property” means all Property owned or controlled by, and designated for use by, the Fire Department, regardless of the source of the Property.
- h. “Fire Hazard” means any condition, circumstance or event wherein the possibility of Fire is increased.
- i. “Fire Protection Services” means 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.

- j. "Fire Protection Charge" means any or all costs incurred by the Summer Village as a result of the provision of Fire Protection Services within the Summer Village under Sections 5 or 6 of this bylaw.
- k. "Illegal Fire" means any Fire which is in contravention of this bylaw.
- l. "Incident" means a Fire or a situation where an explosion is imminent or any other situation where there is a danger or possible danger to life or Property and to which the Fire Department has responded.
- m. "Member" means any person who is a duly appointed Member of the Fire Department, including a part-time Member or volunteer Officer.
- n. "Officer" means a Member appointed or acting in the capacity of Fire Chief or Deputy Fire Chief of a Fire Department.
- o. "Peace Officer" means a Bylaw Enforcement Officer appointed by the Summer Village to enforce the Summer Village Bylaws and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer and a Special Constable.
- p. "Property" means any real or personal Property which, without limiting the generality of the foregoing, includes land and structures.
- q. "Recreational Fire" means a Fire set in a controlled setting for the exclusive purpose of providing light, warmth, or the cooking of small food items.
- r. "Running Fire" means a Fire which has escaped its confinement or which is burning not being under proper or any control of any person.
- s. "Summer Village" means the Municipal Corporation of the Village of White Sands in the Province of Alberta and, where the context requires, means all land situated within the corporate boundaries of the Summer Village.
- t. "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, or repealed and replaced from time to time, and any regulations thereunder.
- u. "Alberta Fire Code" means the *Alberta Fire Code 2014* as amended or repealed and replaced from time to time.
- v. "Authority having jurisdiction" in compliance with the Alberta Fire Code means an "Officer" of a "Fire Department" as defined in this Bylaw.
- w. "Fireworks" means fireworks as defined in the Alberta Fire Code and includes both High and Low hazard varieties.
- x. "High Hazard" means High hazard fireworks as defined in the Alberta Fire Code.
- y. "Low Hazard" means all fireworks not classified as High hazard under the Alberta Fire Code.

SECTION 3 POWERS OF MEMBERS OF A FIRE DEPARTMENT

3.1 Each Member and Officer shall have the authority and power to:

- a. Perform work relating to the extinguishing or controlling the Fire or the operations to preserve life and Property and enter onto any Property for the purpose of extinguishing or controlling the Fire.

- b. Prevent interference with the efforts of persons engaged in the extinguishing of Fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of any Fire.

SECTION 4 POWERS OF OFFICERS OF A FIRE DEPARTMENT

- 4.1 Each Officer shall have the authority and power to:
 - a. Commandeer and authorize payment for the possession or use of any equipment for the purposes of fighting the Fire.
 - b. Perform work relating to the extinguishing or controlling the Fire or the operations to preserve life and Property and enter onto any Property for the purpose of extinguishing or controlling the Fire.
 - c. Prevent interference with the efforts of persons engaged in the extinguishing of Fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of any Fire.

SECTION 5 FIRE PROTECTION CHARGES

- 5.1 Fire Protection Charges incurred by the Summer Village, directly or indirectly, as a result of providing Fire Protection Services within the Summer Village's boundaries may be recovered by the Summer Village from:
 - a. Any person causing or contributing to the Fire; or
 - b. The owner or occupant of any Property benefiting from the Fire Protection Services, if the person responsible for causing the fire, or the cause of the fire, is unknown;

And the above are jointly and severally liable for the Fire Protection Charge.

- 5.2 The schedule of fees for Fire Protection Charges shall be as set out in Schedule "A" attached hereto and forming part of this bylaw.
- 5.3 Fire Protection Charges shall be paid within sixty (60) days of being levied.
- 5.4 Collection of unpaid Fire Protection Charges may be undertaken by civil action in the court of competent jurisdiction, and any civil action does not invalidate any lien which the Summer Village is entitled to on the Property in respect of which the indebtedness is incurred.
- 5.5 The owner of a parcel to which Fire Protection Services are provided is liable for Fire Protection Charges incurred, and the Summer Village may add unpaid Fire Protection Charges to the tax roll of the parcel of land for which the services were provided.

SECTION 6 CONTROL OF FIRE HAZARDS

- 6.1 If the Council finds within its municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a Fire Hazard, it may order the owner or the person in control of the land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the Summer Village.
- 6.2 If the Council finds that the order it made pursuant to Section 6.1 has not been carried out, the Chief Administrative Officer or Designated Officer may enter onto the land with any equipment and any person Council considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.

- 6.3 The owner or occupant of the land on which work was performed pursuant to Section 6.2 shall, upon demand, pay to the Summer Village a Fire Protection Charge, and in default of payment of the Fire Protection Charge, the Summer Village may add the Fire Protection Charge to the tax roll of the said land, which forms a special lien against the land in favor of the Summer Village, from the date it was added to the tax roll.

SECTION 7 PERMITTED AND PROHIBITED FIRES

Any person is guilty of an offence if he or she:

- 7.1 sets or permits to set, any Fire within the boundaries of the Summer Village except as otherwise provided for under this bylaw. (see Section 7.5)
- 7.2 burns or permits to be burned, any refuse, waste, junk, garbage, structures, debris or other noxious substance within the boundaries of the Summer Village.
- 7.3 has in his/her possession, sells, offers for sale, gives away or otherwise distributes, discharges, fires or sets off Firecrackers, unless acceptable to the Authority having jurisdiction, any other pyrotechnic device on any property within the boundaries of the Summer Village of White Sands.
- 7.4 discharges, fires or sets off Fireworks within the boundaries of the Summer Village of White Sands unless he/she holds a Canadian Fireworks Operator Certificate and a permit for that purpose issued by the Authority having jurisdiction.
- a. The Authority having jurisdiction may when issuing a permit, include any specific conditions that, in the opinion of the Authority having jurisdiction, are appropriate given the nature of the activity to which the permit applies and the prevailing environmental conditions.
 - b. It is a condition of all Fireworks Permits issued by the Authority having jurisdiction that, the applicant, in submitting the application, expressly acknowledges that he or she has read the entire document and its terms and conditions, and expressly agrees to indemnify and save the Summer Village of White Sands harmless from any loss or damage including personal injury, death and property damage, that may arise from the storage, handling and detonation of fireworks, and such losses shall include cost incurred by the Summer Village of White Sands including solicitor-own client costs, on a full indemnity basis.
 - c. It is a condition of all Fireworks Permits issued by the Authority having jurisdiction that the Permit may be cancelled at any time, by the posting of a Notice of Cancellation on all community bulletin boards, and by any other means the Authority having jurisdiction deems appropriate, when in the opinion of the Authority having jurisdiction the prevailing environmental conditions warrant and/or weather conditions create an undue fire hazard.
 - d. It is a condition of all Fireworks Permits issued by the Authority having jurisdiction that the Permit is automatically cancelled for safety reasons during periods of time when the fire hazard is considered "High", as posted on the fire hazard sign entering the Summer Village from the east, or when a Fire Ban is in force as per Section 8; enacted in accordance with the Summer Village of White Sands Fire Ban Policy.
- 7.5 Subject to Section 8, a person may, on Property owned or controlled by him, set a Recreational Fire, so long as that Recreational Fire is:
- a. set a minimum of 3 meters from buildings, property lines, or any combustible material, and
 - b. within a Fire pit or other structure designed for containing that Recreational Fire within a small, controlled area. Such a structure shall have enclosed sides made

from bricks, concrete blocks, or heavy gauge metal.

c. Equipped with a mesh screen with openings no larger than 12.5mm

7.6 When a Fire is set in contravention of Section 7.1, 7.2 or 7.3 or during a Fire ban pursuant to Section 8.1, the owner or occupier of the land, or the person having control of the land upon which the Fire is lit shall:

(1) extinguish the Fire immediately, or

(2) if unable to extinguish the Fire immediately, report the Fire to the Fire Department as soon as possible.

SECTION 8 FIRE BANS

8.1 The Chief Administrative Officer may, from time to time, prohibit all Fires within the Summer Village, including Recreational Fires when, in the discretion of the Chief Administrative Officer, the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.

8.2 A Fire ban imposed by the Chief Administrative Officer under Section 8.1 shall be in force either until the date established by the Chief Administrative Officer in the notice provided to the public pursuant to Section 8.3, or until such time as the Chief Administrative Officer gives notice to the public that the ban has been lifted.

8.3 The Chief Administrative Officer shall give notice of the Fire ban in effect by causing signs to be posted at the entrance road to the Summer Village.

8.4 When a Fire ban is in place, no person shall ignite a Recreational Fire, or cause or allow a Recreational Fire to be ignited on his Property or Property under his control.

SECTION 9 GENERAL OFFENCES

9.1 Any person is guilty of an offence if he or she:

a. contravenes any provision(s) of this bylaw.

b. deposits, discards or leaves any burning matter or substance where it might ignite other material and cause a Fire.

c. provides false, incomplete or misleading information to the Summer Village or the Fire Department on or with respect to a Fire.

d. impedes, obstructs, or hinders a Member or Officer of a Fire Department, or other person assisting or acting under the direction of the Officer or Member in charge at any Incident.

e. damages or destroys Fire Department Property.

f. falsely represent themselves as a Member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

g. at an Incident drives a vehicle over any Fire Department Property without the permission of the Officer or Member in charge.

h. obstructs or otherwise interferes with access roads or streets or other approaches to any 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.

- i. obstructs a Member from carrying out any function or activity related in any way to the provision of Fire Protection Services.
- j. either directly, or indirectly, personally or through an agent, servant or employee kindles a Fire prohibited under this bylaw, or lets it become a Running Fire, or allows a Running Fire to pass from his or her own Property to the Property of another.
- k. lights a Recreational Fire without taking sufficient measures to keep the Recreational Fire under control at all times.
- l. lights a Recreational Fire when he/she knows or ought reasonably to know that the environmental conditions are conducive to create a Running Fire, notwithstanding that no Fire ban is in place pursuant to Section 8.1.
- m. conducts an activity that involves the use of flame or heated materials that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring.
- n. sets a Recreational Fire, where smoke from that Recreational Fire will impede visibility of vehicular traffic and pedestrian traffic on any highway as defined in the Traffic Safety Act, R.S.A. 2000, Chapter T-6, as amended, or repealed and replaced from time to time.
- o. lights any fire on lands owned or controlled by the Summer Village except with the Summer Village's express written consent. Such consent, if granted by the Summer Village must be to a person who is a property owner, and shall also make that person responsible for the supervision of the fire as well as the complete clean-up/restoration of the affected area to the satisfaction of the Summer Village. The clean-up/restoration of the area affected by the fire shall be completed within a reasonable amount of time following the extinguishment of the fire (generally considered to be the day immediately following the fire).

Should the Summer Village, at its sole discretion, determine that it must perform any clean-up/restoration following a fire (whether the fire was consented to or otherwise not), the person determined responsible for the fire shall in addition to any penalties in accordance with Schedule "B" also be responsible to reimburse the Summer Village for all costs incurred by the Summer Village to satisfactorily clean-up/restore the affected area.

Whether or not the person who is determined to have caused a fire on lands owned or controlled by the Summer Village is a property owner, the property owner(s) to whom such person is an occupant or a guest shall be jointly and severally responsible and liable for all clean-up/restoration costs incurred by the Summer Village.

Notwithstanding the aforementioned, and given limited firefighting capabilities within the Summer Village, the Summer Village of White Sands considers that all non-consented fires on lands owned or controlled by the Summer Village create an emergency situation in which there is imminent danger to public safety as defined under the provisions of the Municipal Government Act (MGA). And further that all fire related emergency situations require the immediate extinguishment of such fire and a responsible effort to clean-up/restore the affected area for public safety purposes. Therefore, any resulting firefighting and clean-up/restoration costs incurred by the Summer Village can be applied against the property taxes of jointly and severally responsible property owners and collected in a like manner under the provisions of the MGA.

SECTION 10 PENALTIES

10.1 Any person who:

- a. Violates any provision of this bylaw;
- b. Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this bylaw;
- c. Neglects to do or refrains from doing anything required to be done by the provisions of this bylaw, or
- d. Does any act or thing or omits any act or thing, thus violating any provision of this bylaw;

is guilty of an offense under this bylaw, and upon a conviction, is liable to a fine as set out at Schedule "B" of this bylaw.

10.2 Any person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, is liable to an increased penalty as set out in Schedule "B" here in and in default of payment of any penalty, to imprisonment for up to six (6) months.

10.3 The amount of a monetary Penalty for an Offence as set out in Schedule "B" may be amended by resolution of Council from time to time.

SECTION 11 VIOLATION TICKETS

11.1 The Chief Administrative Officer, Designated Officer or a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, or repealed and replaced from time to time, to any person the Chief Administrative Officer, Designated Officer, or Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

SECTION 12 LIABILITY

12.1 The Chief Administrative Officer, Designated Officer, Peace Officers, and the Officers and Members of any Fire Department are not liable for loss or damage caused by anything said or done or omitted to be done in the performance or intended performance of their functions, duties or powers unless the circumstances constitute dishonesty, gross negligence or willful misconduct.

SECTION 13 GENERAL

13.1 This bylaw shall come into force on the date of final passing thereof and upon coming into effect Bylaw 148-15 is repealed.

13.2 Should a section or part of this bylaw be found to be improperly enacted or ultra vires, for any reasons, then such section or part shall be regarded as being severable from the bylaw and the bylaw remaining after such severance shall be effective and enforceable.

READ A FIRST TIME this 6th day of September, 2019.

READ A SECOND TIME this 6th day of September, 2019.

READ A THIRD TIME AND FINALLY PASSED this 6th day of September, 2019.

Mayor

Chief Administrative Officer

SCHEDULE "A"
FIRE PROTECTION CHARGES

1. Incurring Under Section 5:

The full costs incurred by the Summer Village directly in providing Fire Protection Services, or incurred indirectly by the Summer Village as a result of the provision of Fire Protection Services within the Summer Village by a Fire Department, or a portion thereof as determined by Council, in its sole discretion.

2. Incurring Under Section 6:

The full costs incurred by the Summer Village in issuing and enforcing an order issued under Section 6, including any legal costs incurred, or a portion thereof as determined by Council in its sole discretion.

SCHEDULE "B"
PENALTIES

SECTION	OFFENCE	1st OFFENCE	2ND OFFENCE	3RD & SUBSEQUENT OFFENCES
7.1	Setting Illegal Fire	\$200.00	\$400.00	\$800.00
7.2	Burning refuse, waste, junk, garbage, structures or debris	\$250.00	\$500.00	\$1000.00
7.3	Using Firecrackers or permitting use of Firecrackers	\$500.00	\$1000.00	\$2000.00
7.4	Discharging fireworks without a permit or with a permit that has been cancelled	\$500.00	\$1000.00	\$2000.00
7.4	Permitting the discharge of fireworks without a permit or in a manner contrary to the permit or its conditions	\$500.00	\$1000.00	\$2000.00
8.4	Burning Recreational Fire when Fire ban in place	\$500.00	\$1000.00	\$2000.00
9.1(a)	Contravening provision of bylaw (where no other specific fine imposed)	\$200.00	\$400.00	\$800.00
9.1(b)	Depositing, discarding, leaving or burning matter or substance	\$100.00	\$200.00	\$400.00
9.1(c), (d)	Providing false, incomplete, misleading information; Impeding, obstructing, hindering Member or Officer	\$200.00	\$400.00	\$800.00
9.1(e)	Damage, destroy Fire Department Property	\$400.00	\$800.00	\$1600.00
9.1(f)	Falsely represent self as Member of Fire Department	\$300.00	\$600.00	\$1200.00
9.1(g)	Drive over Fire Department Property	\$200.00	\$400.00	\$800.00
9.1(h)	Obstruct access	\$200.00	\$400.00	\$800.00
9.1(i)	Obstruct Member	\$200.00	\$400.00	\$800.00
9.1(j)	Allowing Fire to become Running Fire	\$300.00	\$600.00	\$1200.00
9.1(k)	Failing to keep Recreational Fire under control	\$200.00	\$400.00	\$800.00
9.1(l)	Lighting Recreational Fire when condition conducive to creating Running Fire	\$200.00	\$400.00	\$800.00
9.1(m)	Failing to use reasonable care in use of flame or heated materials	\$150.00	\$300.00	\$600.00
9.1(n)	Impeding vehicular and pedestrian traffic by smoke	\$100.00	\$200.00	\$400.00
9.1(o)	Lighting Fire on Summer Village land	\$500.00	\$1000.00	\$1500.00