

**WESTLOCK COUNTY**

**PROVINCE OF ALBERTA**

**BY LAW NO. 05-2015**

**BEING A BYLAW** of Westlock County, in the Province of Alberta, hereafter referred to as the “Fire Protection Bylaw” to provide for the establishment and operation of a Fire Department, and for the regulating and controlling of forest and prairie fires and fire hazards

**WHEREAS**, The *Municipal Government Act*, R.S.A 2000, c. M-26 as amended or repealed and replaced from time to time, provides that Council of a municipality may pass a bylaw for the safety, health and welfare of people, and the protection of people and property;

**AND WHEREAS**, The *Municipal Government Act*, R.S.A 2000, c. M-26 as amended or repealed and replaced from time to time, provides that Council of a municipality may pass a bylaw in relation to services provided for on behalf of the municipality;

**AND WHEREAS**, The *Municipal Government Act*, R.S.A 2000, c. M-26 as amended or repealed and replaced from time to time, provides that that a municipality may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing fires;

**AND WHEREAS**, The *Forest and Prairie Protection Act*, R.S.A. 2000, c. F-19, as amended or repealed and replaced from time to time, provides the municipality with the authority to enforce the provisions of the said Act;

**AND WHEREAS**, Council for the Westlock County wishes to provide for the establishment of the Fire Protection Department and the recovery of costs incurred by the municipality in providing the Fire Protection;

**NOW THEREFORE**, THE COUNCIL OF THE Westlock County in the province of Alberta, in Council duly assembled hereby enacts as follows:

**1. NAME OF BYLAW:**

That this bylaw shall be cited as the “Fire Protection Bylaw”

**2. DEFINITIONS:**

2.1. In the Bylaw, the following terms shall have the meanings prescribed:

2.1.1. “Burn Barrel” means a Fire as described under section 13 Burn Barrels;

2.1.2. “Brush: means any wood products of small branches thicket of shrubs and small trees;

2.1.3. “Chief Administrative Officer” means the individual appointed by Council as Chief Administrative Officer for the County or their delegate;

2.1.4. “County Administration” means any designated officer, including County Administrator, County Fire Chief, Designate or any other County employee(s) so delegated by a designated officer;

2.1.5. “Council” means the Council of the County;

2.1.6. “County” means the municipal corporation of Westlock County;

2.1.7. “Dangerous Goods” means those products or substances which are regulated by the *Dangerous Goods Transportation and Handling Act*,

R.S.A. 2000, c. D-4, and its Regulations as amended or repealed and replaced from time to time;

- 2.1.8. “Designate” means the individual appointed as manager of the Fire Protection Department;
- 2.1.9. “County Fire Chief” means the Member of the Fire Protection Department who is appointed by the CAO, who is the manager of all County Fire departments, who performs the duties and responsibilities as set out in the Bylaw and all applicable County policies;
- 2.1.10. “Electoral Division” means the area established for the purpose of electing individuals to Council;
- 2.1.11. “Fire” means any combustible materials in a state of combustion;
- 2.1.12. “Fire Advisory” means the fire hazard rating has increased. Fire permits may be restricted. Safe campfires are allowed in campgrounds and backcountry or random camping areas, but this level is a warning they may be restricted if the situation doesn’t improve;
- 2.1.13. “Fire Ban” means an Order issued by the Minister responsible for the *Forest and Prairie Protection Act*, or an order issued pursuant to the Bylaw for the purpose of canceling all fire permits, prohibiting the lighting of, or requiring the extinguishment of all Fires;
- 2.1.14. “Fire Chief” means District Fire Chief a Member of Fire Protection appointed by and reports to the County Fire Chief, to perform the duties and responsibilities as set out in the Bylaw, all applicable County policies and the policies of the Fire Protection Department;
- 2.1.15. “Fire Guardian” means a person named or appointed by the County Fire Chief or under the *Forest and Prairie Protection Act*, as Fire Guardian;
- 2.1.16. “Fire Hazard” means combustible material that, in the opinion of a Member, due to its nature, location, condition or arrangement, or any combination of these factors, may be ignited and could endanger human life or damage property;
- 2.1.17. “Fire Permit” means a document issued by a Fire Guardian pursuant to the *Forest and Prairie Protection Act* or the Bylaw, allowing for the setting of specific types of Fire, on the form adopted by the County from time to time;
- 2.1.18. “Fire Pit” means an outdoor receptacle that meets the following specifications, which is used for the purposes of cooking or obtaining warmth, fueled solely by dry wood, charcoal, coal, natural gas or propane;
- i. A minimum of three (3) meter clearance, measured from the nearest fire pit edge is maintained from buildings, property lines, or other combustible material;
  - ii. The Fire Pit opening does not exceed 1 meter or less in width or in diameter when measured between the widest points or outside edges;
  - iii. The Fire Pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal or other non-combustible materials;
  - iv. A spark arrester mesh screen with openings no larger than 25 millimeters 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;
  - v. The Fire Pit is not located over any underground utilities or under any aboveground wires;
  - vi. Is otherwise acceptable to a municipal fire guardian;

- 2.1.19. "Fire Protection" means any service delivered by the County that is authorized by Council and designed to prevent, combat or alleviate the effect of a fire, medical or other emergency including, but not limited to, basic and advanced life support, emergency medical services, fire prevention, fire suppression, fire investigation, rescue services, public education and information, training or other staff development;
- 2.1.20. "Fire Protection Charge" means those costs incurred by the County as a result of the provision of Fire Protection in relation to a specific Incident within the municipal boundaries of the County;
- 2.1.21. "Fire Protection Department" means the department as established and organized for the County pursuant to the provisions of this Bylaw and all applicable County policies and consists of all Members, the Fire Chief, County Fire Chief and the Designate, as well as all Fire Protection Property;
- 2.1.22. "Fire Protection Property" means all property owned or controlled by the County and designated for use by the Fire Protection Department in relation to the provision of Fire Protection including, but not limited to, equipment, materials, supplies, Fire Protection Units and fire stations;
- 2.1.23. "Fire Protection Unit" means a fire truck, pumper truck, rescue truck, fast attack truck or tanker, or a combination of Fire Protection property used collectively in response to a specific type of Incident or emergency;
- 2.1.24. "Fire Restriction" means an Order issued pursuant to the Bylaw for the purpose of fire prevention and cessation of fire permits for duration of the Restrictions;
- 2.1.25. "Forest Protection Area" means an area of Alberta designated as a forest protection area by regulation of the Lieutenant Governor in Council passed pursuant to the *Forest and Prairie Protection Act*;
- 2.1.26. "Hamlet" means an unincorporated community designated as a hamlet pursuant to section 59 of the Municipal Government Act;
- 2.1.27. "Incident" means a Fire or a situation where a Fire or explosion is imminent or any other situation where there is a danger or possible danger to life or property;
- 2.1.28. "Incinerator Fire" means a Fire for the purpose of burning household refuse, except plastics, that is confined within a non-combustible structure or container that has its draft and smoke vents covered by a heavy gauge metal screen having a mesh size not larger than 25 millimeters, or which is ventilated in such a manner as to preclude the escape of combustible materials, and is located a minimum of 4 meters from any structure or standing timber;
- 2.1.29. "Member" means any person who is duly appointed a member of the Fire Protection Department and includes the County Fire Chief and the District Fire Chief;
- 2.1.30. "Mutual Fire Aid Agreement" means an agreement entered into by the County with another municipality or entity, with a view to ensuring the prevention and control of fires, with respect to land within the County boundaries or under the County's control and/or another municipality's boundaries or control;
- 2.1.31. "Off Highway Vehicle" or "OHV" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or any other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
- i. 4-wheel drive vehicles,
  - ii. low pressure tire vehicles,
  - iii. motor cycles and related 2-wheel vehicles,

- iv. amphibious machines,
  - v. all terrain vehicles,
  - vi. miniature motor vehicles,
  - vii. snow vehicles,
  - viii. minibikes, and
  - ix. any other means of transportation that is propelled by any power other than muscular power or wind;
- 2.1.32. "Open Fire" means any Fire which is not a Burn Barrel, Incinerator Fire, a Pit Fire, Smudge Fire or Running Fire, and which includes but is not limited to grass, forest and brush fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;
- 2.1.33. "Owner" means;
- i. In respect of unpatented land, the crown,
  - ii. In respect of other land, the person who is registered under the *Land Titles Act* as the owner of the fee simple estate in the land, and
  - iii. In respect of any property other than land, the person in lawful possession of it;
- 2.1.34. "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the County's Bylaws or a Bylaw Peace Officer appointed by the County;
- 2.1.35. "Peat" means 35% or more peat, peat soil, peat bog, peat land, mire or any other form of sedentarily accumulated material consisting of decomposing and/or dead organic material, when burned produces dense smoke and offensive odors;
- 2.1.36. "Pile: means pile constructed of brush or peat;
- 2.1.37. "Prohibited Debris" means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances and includes but is not limited to:
- i. Animal manure;
  - ii. Pathological waste;
  - iii. Non-wooden material;
  - iv. Waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
  - v. Combustible material in automobile bodies;
  - vi. Tires;
  - vii. Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
  - viii. Used oil; and
  - ix. Wood or wood products containing substances for the purpose of preserving wood;
- 2.1.38. "Property" means any real or personal property, including but not limited to land and structures;
- 2.1.39. "Provincial Offences Procedure Act" means the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*, as amended or repealed and replaced from time to time;
- 2.1.40. "Running Fire" means a Fire that is in the opinion of a Member, burning without being under the proper or any control of a qualified person;

2.1.41. “Smudge Fire” means a Fire confined within a non-combustible structure or container, lit for the purpose of protecting livestock from insects or for protecting garden plants from frost;

2.1.42. “Windrow” means row or line constructed of brush or peat.

### **3. FIRE PROTECTION DEPARTMENT:**

- 3.1. Council hereby establishes the Fire Protection Department for the following purposes;
  - 3.1.1. Preventing and extinguishing Fires;
  - 3.1.2. Coordinate investigation of responses, as required;
  - 3.1.3. Preserving life and property and protecting persons and property from injury or destruction by Fire;
  - 3.1.4. Assisting with ambulance aid emergency medical services;
  - 3.1.5. Preventing prairie or Running Fires and enforcing the provisions of the *Forest Prairie and Protection Act*;
  - 3.1.6. Preventing, combating and controlling Incidents;
  - 3.1.7. Carrying out preventable controls;
  - 3.1.8. Fulfilling the requirements of any Mutual Aid Agreement with other municipalities, or other agencies for the joint use, control and management of Fire Protection Property in response to accidents and other emergencies;
  - 3.1.9. Operating Fire Protection Property to extinguish Fires, preserve life and property and for training purposes;
  - 3.1.10. Controlling and mitigating accidents involving Dangerous Goods;
  - 3.1.11. Otherwise providing Fire Protection as required;

In accordance with the policies and guidelines established by the County from time to time.

### **4. COUNTY FIRE CHIEF:**

- 4.1. The County Fire Chief shall be appointed by the CAO and report to the CAO or their designate;
- 4.2. The County Fire Chief shall be solely responsible for managing the Fire Protection Department, subject to the Bylaw, County policies and the direction of the Chief Administrative Officer, or their designate and may prescribe rules, regulations and policies for the ongoing organization and administration of the Fire Protection Department, including but not limited to:
  - 4.2.1. Care, maintenance and protection of Fire Protection Property;
  - 4.2.2. The appointment, recruitment, conduct, discipline, duties, training and responsibilities of Members;
  - 4.2.3. The efficient operation of the Fire Protection Department; and may perform such other functions and have such other power and responsibilities the Designate or their designate may from time to time prescribe.
- 4.3. The County Fire Chief or their designate may enter onto land or structures for the purposes of inspection or enforcement of their Bylaw pursuant to section 542 of the *Municipal Government Act*.
- 4.4. The County Fire Chief shall:
  - 4.4.1. Upon approval of the Council, purchase or otherwise acquire Fire Protection Property required for the operation, maintenance and

administration of the Fire Protection Department to be used in connection therewith;

4.4.2. Keep or cause to be kept, in proper form, records of all business transactions of the Fire Protection Department, including the purchase of Fire Protection Property and the records of Incidents attended, actions taken, inspections carried out and actions taken on account of providing Fire Protection or any other records Incidental to the operation of the Fire Protection Department.

4.5. The County Fire Chief or in their absence, the Fire Chief, or in their absence, the senior Member present shall have control, direction and management of any Incident including the Fire Protection Property and, where a Member is in charge, that Member shall continue to act in such capacity until relieved by the County Fire Chief or Fire Chief in accordance with Standard Operating Guidelines.

4.6. The County Fire Chief, or in their absence, the Fire Chief, or in their absence, the senior Member present at an Incident, may at their discretion, establish boundaries or limits of approach for the purpose of protecting the public and preserving control over the Incident and may prevent persons from entering the area within the prescribed boundaries or limits unless authorized.

4.7. The County Fire Chief, or in their absence, the Fire Chief, or in their absence, the senior Member present at an Incident, is empowered to enter to take any actions he determines to be necessary in order to directly or indirectly respond to and control an Incident, including, but not limited to:

4.7.1. Passing through or over buildings or Property whether adjacent or in proximity to an Incident and remain in or on the building or Property;

4.7.2. Authorize or direct Members and Fire Protection Property to enter or pass through or over the building or Property and remain in or on the building or Property;

4.7.3. Cause the building, structure or Property to be pulled down, demolished or otherwise removed.

## **5. FIRE PROTECTION CHARGES:**

5.1. Upon Fire Protection being provided by the Fire Protection Department within the municipal boundaries of the County, the County in its sole and absolute discretion may charge any or all of the following persons:

5.1.1. The person or persons causing or contributing to the Incident; or

5.1.2. The owner or occupant of the lands on which the Incident occurred;

A Fire Protection Charge, and all persons charged are jointly and severally responsible for the Fire Protection Charge.

5.2. Fees will be established by Westlock County Policy 7.08.

5.3. The owner of a parcel of land within the County to which Fire Protection is provided is liable for the Fire Protection Charge incurred by the County. In the event that the Fire Protection Services Charge is not paid in full within thirty (30) days of receipt of an invoice, the County may add to the tax roll of the parcel of land all unpaid Fire Protection Services Charges, which forms a special lien against the parcel of land in favour of the County from the date the amount was added to the tax roll, in accordance with the *Municipal Government Act*.

5.4. Notwithstanding any other provision in the Bylaw, the County may collect the Fire Protection Charge by way of civil action in a Court of competent jurisdiction, in the Province of Alberta, and any civil action does not invalidate any action, which the County is entitled to take pursuant to the *Municipal Government Act*.

5.5. Notwithstanding subsection 5.1 in the case of a wildfire, the County may rely upon the provisions of the *Forest and Prairie Protection Act* to seek recovery of Fire Protection charges incurred in relation to that wild fire.

## **6. DUTIES OF RAILWAY COMPANIES:**

6.1. In this section,

6.1.1. Railway Legislation Rolling Stock and Track have the meanings respectively assigned to those terms on the Railway (Alberta) Act.

6.1.2. Railway Operator means a person who owns or is otherwise responsible for the control, management or operation of Rolling Stock or Track.

6.2. Without limiting any of its duties under the *Forest and Prairie Protection Act or the Railway (Alberta) Act*, a Railway Operator has the duties and liabilities provided for in the Bylaw.

6.3. Where a Fire originates in the right of way, or within 100 meters outside each boundary of the right of way, on which the track rails are located, each Railway Operator;

6.3.1. shall take immediate and appropriate physical action to fight and extinguish the Fire, and report the Fire as soon as practicable, to the County and;

6.3.2. The County in the case of a Fire within its boundaries, may take action to fight the Fire if no satisfactory action to fight it has yet been taken by the Railway Operators.

6.4. Each Railway Operator is jointly and severally liable for all costs and expenses of and Incidental to fighting a Fire referred to in section 6.3, and shall, on demand, reimburse the County for all costs incurred in fighting the Fire.

## **7. AIRCRAFT ON LAKES:**

When a lake is used by aircraft carrying on fire suppression operations, no person shall, without the prior permission of the County, venture on or into the water beyond 30 meters from the nearest water's edge.

## **8. FIRE GUARDIANS:**

County Fire Chief shall appoint Fire Guardians to enforce the provisions of the *Forest and Prairie Protection Act* and the Bylaw;

## **9. AUTHORITY OF FIRE GUARDIANS:**

9.1. Fire Guardians shall have the authority and power to:

9.1.1. Issue a Fire Permit in respect of any property within the County;

9.1.2. Issue a Fire Permit unconditionally or to impose any conditions with the Permit that the Fire Guardian considers appropriate, in their or her sole discretion, given the nature of the fire and prevailing circumstances, location and environmental conditions.

9.1.3. Suspend or cancel a Fire Permit at any time;

9.1.4. Enforce the provisions of the *Forest and Prairie Protection Act* within the boundaries of the County;

9.1.5. Where, in the opinion of the Fire Guardian, there is a risk to the public in relation to the proposed Fire, refuse to issue a Fire Permit.

## **10. ENTRY AND INSPECTION:**

10.1. Notwithstanding Section 4.3, a Fire Guardian may without a warrant, at any reasonable time, enter on and inspect any land and Property, except a

private dwelling house, for the purpose of exercising powers or performing duties under the *Forest and Prairie Protection Act*.

- 10.2. A Fire Guardian may, without a warrant, enter any private dwelling house that is on Fire.

## **11. CONTROL OF FIRE HAZARD:**

- 11.1. If the County Fire Chief or their designate, find, on privately owned land, or occupied public land within the County, conditions, that in their opinion constitute a Fire Hazard or emergency situation, an order pursuant to the Municipal Government Act may be issued to the owner or the person in control of the land on which the situation exists. The owner or the person in control of the land shall reduce or remove the hazard within a fixed time, and in a manner prescribed by the County Fire Chief or their designate.
- 11.2. If an order under section 11.1 has not been carried out, the County Fire Chief, Fire Chief, or Fire Guardian may enter onto the land with any equipment and any persons deemed necessary and perform the work required to eliminate or reduce the Fire Hazard.
- 11.3. The owner or occupant of the lands on which work is performed pursuant to section 11.2 shall, upon demand, pay to the County a Fire Protection Charge. Failing payment by the owner or occupant within thirty (30) days of the demand, the County may place the unpaid costs and expenses incurred on the tax roll for the land for which the order was issued in accordance with the *Municipal Government Act*.

## **12. FIRE PERMITS:**

- 12.1. No person shall light or cause to be lit any Fire or permit any Fire upon land owned or occupied by him or under their control except when they are a holder of a valid and subsisting Fire Permit issued pursuant to the Bylaw or the *Forest and Prairie Protection Act* or unless the specific type of Fire is specifically exempted from requiring a Fire Permit either in the Bylaw or the *Forest and Prairie Protection Act*.
- 12.2. Notwithstanding section 12.1, no person shall permit a Fire upon land owned or occupied by or under their control, which is located within a Hamlet unless the specific type of Fire is exempted pursuant to section 12.9 of the Bylaw.
- 12.3. Fire Permits are required within County fire Protection boundaries year round. With exception of the forest protection area.
- 12.4. Fire Permits are required year round.
- 12.5. A Fire Permit shall only be valid for the time period expressly indicated on the Permit.
- 12.6. All Fire Permits must have written consent of the registered land owner;
- 12.7. Notwithstanding section 12.5 A Fire Guardian may, in their sole discretion, terminate, suspend or cancel a Fire Permit at any time. Upon receiving notification of termination, suspension or cancellation of the Fire Permit, the Fire Permit holder shall immediately extinguish any Fire set pursuant to the Fire Permit.
- 12.8. A Fire Permit is not transferable.
- 12.9. No person shall contravene any term or condition imposed on a Fire Permit.



- 12.10. A Fire Permit is not required under the Bylaw for the following types of Fires:
- i. A Fire Pit;
  - ii. A Fire started by the Fire Protection Department for training purposes or;
  - iii. Any Fire, which is exempted from requiring a Fire Permit under the *Forest Prairie and Protection Act* and its Regulations.
- 12.11. Every person who sets a Fire under authority of a Fire Permit shall:
- i. Produce the Fire Permit to a Fire Guardian, or a Peace Officer immediately upon request;
  - ii. Have a responsible adult person responsible for the Fire at all times;
  - iii. Keep the Fire under control;
  - iv. Extinguish the Fire before the Fire Permit expires or upon cancellation of the Fire Permit;
  - v. Be responsible for any costs incurred by the Fire Protection Department when called upon to extinguish such Fire if, in the opinion of the County Fire Chief or their designate, the Fire is a hazard to persons or property.
- 12.12. Approved Fire Permits will be posted on the County Web Site within 24 hours other than on weekends or Holidays' which will be posted on the first day after such weekend or Holiday.

### **13. BURN BARRELS:**

- 13.1. Burn barrel use within the hamlet is not permitted. In accordance with section 12.2 no burn barrel permit will be authorized within hamlet boundaries.
- i. Exceptions are subject to approval of CAO, Fire Chief or Designate.
- 13.2. Burn Barrels shall be constructed of non-combustible materials, shall be free of damage, shall be covered with a tight fitting metal mesh screen with openings not more than 6mm in size, shall be located on a non-combustible material base, and shall be located at least 3 meters away from any combustibles.
- 13.3. No person shall burn prohibited debris in a Burning Barrel.

### **14A. FIRE ADVISORY:**

Fire Advisory" means the fire hazard rating has increased. Fire permits may be restricted. Safe campfires are allowed in campgrounds and backcountry or random camping areas, but this level is a warning they may be restricted if the situation doesn't improve.

### **14. FIRE RESTRICTION:**

- 14.1. The CAO, County Fire Chief or Designate may, from time to time, prohibit the issuance of any new Fire Permits and/or suspend all active permits, and/or ban, and/or restrict the use of OHVs' and/or other possible unforeseen hazards.
- 14.2. A Fire Restriction imposed pursuant to section 14.1 of the Bylaw, shall remain in force until either the date provided in the notice of the Fire Restriction or until such time the Designate or County Fire Chief provides notice to the public the Fire Restriction is no longer in effect.
- 14.3. Notice of a Fire Restriction shall be provided to the public. Notice may be in the form of signs posted throughout the municipality, in locations to be determined by the County Fire Chief determined appropriate for the purpose of informing the public of the Fire Restriction.

- 14.4. When a Fire Restriction is in place, no Fire Guardian shall issue a Fire Permit from the date of issuance of the Fire Restriction.

#### **15. FIRE BAN:**

- 15.1. The County Fire Chief or designate may, from time to time, ban all Fires, whether requiring a Fire Permit or not, when in the opinion of the Designate or the County Fire Chief, when the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 15.2. The County Fire Chief or designate may from time to time prohibit OHV's from any or all public lands when in the opinion of the County Fire Chief or designate there is an increased fire risk or when there is a fire restriction and/or fire ban in place within the County.
- 15.3. A Fire Ban imposed pursuant to section 15.1 of the Bylaw, shall remain in force until either the date provided in the notice of the Fire Ban or until such time the Designate or County Fire Chief provides notice to the public that the Fire Ban is no longer in effect.
- 15.4. Notice of a Fire Ban shall be provided to the public. Notice shall be in the form of signs posted throughout the municipality, in locations as determined by the County Fire Chief.
- 15.5. When a Fire Ban is in place, no person shall ignite a Fire, whether or not the person is the holder of a Fire Permit and shall immediately extinguish any Fire lit once the Person knows or thought reasonably to know of the Fire Ban.

#### **16. BURNING PEAT:**

- 16.1. An application for a Fire Permit for burning Peat must be made on or before March 31<sup>st</sup> in a given calendar year;
- 16.2. Application must provide name, address and phone number of the applicant; the name address and phone number of the property owner where the Peat is to be burnt and the type and description of the material which the applicant proposes to burn;
- 16.3. Only one Permit will be issued per farm unit in any calendar year;
- 16.4. A farm unit will consist of any individual or individuals or Corporation that collectively work together in the practice of farming within the County whether that land farmed is rented or owned;
- 16.5. No more than five (5) Fire Permits for the burning of Peat shall be issued within each electoral division of the County in a given calendar year;
- 16.6. No two (2) Peat Permits will be issued unless there is a minimum 4 mile radius between successful Peat Fire applicants;
- 16.7. No Permit will be issued to burn any Peat Pile within 100 feet of any intersection or County road, within 500 feet of an occupied dwelling or within 1 mile of a Provincial Highway;
- 16.8. If more than one Applicant is requesting to burn within 4 mile radius or if more than five (5) applications are received within an electoral division that fall outside the 4 mile radius a draw will be conducted by the County Fire Chief. Each applicant will be notified of the time and date of the draw and will have the option to attend.
- 16.9. Applicants not successful in the draw in any given year will be given preference the following year provided they have not been in contravention of any of the provisions of this Bylaw within the past 12 months;
- 16.10. Successful applicants will have the option to defer an approved Peat burning Permit for a period of one year. If an applicant defers, another

permit will be issued within that electoral division provided it meets all the criteria outlined;

- 16.11. A permit holder must provide proof of \$2,000,000.00 public liability insurance.
- 16.12. A public notice will be issued annually as to the legal land location of all successful Peat burning applications;

*Peat Permit Issuance:*

- 16.13. Fire Permits authorizing Peat burning shall only be issued between July 1<sup>st</sup> and August 31;
- 16.14. Prior to issuing a Fire Permit for Peat burning the County Fire Chief or their designate will review the application and conduct a site inspection to determine whether the site is suitable for burning and that the Peat piles fall within the guidelines set forth ;
- 16.15. The County Fire Chief may stipulate on the Permit any special Fire control conditions with which the applicant must comply with in addition to those standard conditions noted thereon;
- 16.16. A Permit for burning Peat will be issued for 30 days and may be extended for a maximum of an additional 21 days with approval from the County Fire Chief;
- 16.17. An adequate drying time of not less than two (2) years is required before Peat piles will be eligible to be burned;
- 16.18. Eligible Peat piles will not be more than 75 feet in diameter and not more than 20 feet high with a maximum of four (4) piles per permit with a distance between piles of not more than 500 feet of each other or one (1) pile not more than 250 feet long and 75 feet wide and 20 feet high;
- 16.19. Piles will have a 100 foot fireguard break between the ends and when they are running parallel to each other, a 100 foot fireguard spacing between each windrow. A 100 foot fireguard break between windrows and any un-cleared land is also required.

*Enforcement:*

- 16.20. If the permit holder makes no attempt to extinguish the fire in the prescribed time frame then Westlock County will enter the property with either their own equipment or contracted equipment and stay on site until the fire is extinguished. All costs will be borne by the permit holder. County equipment or contracted equipment will stay on site until the fire is extinguished whether or not the landowner brings equipment on site to assist with extinguishing the fire;
- 16.21. Burning with a suspended Permit or burning without permit or person that does not comply with these regulations shall be deemed to be guilty of the Bylaw and Recovery of Costs under the Bylaw and/or the Forest and Prairie Protection Act Municipal Tags and Tickets Sub Section 19.21 will apply and a two (2) year suspension will be applied;
- 16.22. Burning with a suspended Permit or burning without Permit or person that does not comply with these regulations shall be deemed to be guilty of the Bylaw and
- 16.23. Recovery of Costs under the Bylaw and/or the Forest and Prairie Protection Act Municipal Tags and Tickets Sub Section 19.21 will apply and a two (2) year Fire Permit suspension will be applied to the permit holder.

## **17. PROHIBITIONS:**

### 17.1. No person shall:

- 17.1.1. Contravene any provision of the Bylaw;
- 17.1.2. Deposit, discard or abandon any burning matter or substance so as to create a Fire Hazard;
- 17.1.3. Provide false, incomplete or misleading information to a Fire Guardian or any representative of the Fire Protection Department with respect to a Fire or Fire Permit application;
- 17.1.4. Impede, obstruct or hinder the Designate, County Fire Chief, the Fire Chief, a Member or any other person assisting or acting under the direction of the County Administration or Member in charge at any Incident;
- 17.1.5. Impede, obstruct or hinder a Fire Guardian or Peace Officer or any other person involved in the inspection, investigation or enforcement of Fire Protection matters;
- 17.1.6. Damage or destroy Fire Protection Property;
- 17.1.7. Falsely represent himself as a Member or wear or display any County Fire Protection Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation;
- 17.1.8. Drive a vehicle over any Fire Protection Property without the permission of the County Fire Chief, the Fire Chief or the Member in charge at the Incident;
- 17.1.9. Obstruct or otherwise interfere with:
  - i. Access to the scene of an Incident or other emergency by Emergency Service Department personnel or Fire Protection Property;
  - ii. Access to a Fire Hydrant, cistern or other body of water designated for firefighting purposes;
  - iii. Access to connections to fire mains, stand pipes, or sprinkler systems.
- 17.1.10. Cross any boundaries or limits established by the Fire Protection Department in accordance with the Bylaw, without the express authorization of the County Fire Chief, the Fire Chief, or the Member in charge;
- 17.1.11. Obstruct a Member from carrying out any function or activity related to the provision of the Fire Protection;
- 17.1.12. Allow a Fire to be lit, unless the person is the holder of a valid and subsisting Fire Permit or the Fire is a type of Fire that is excluded from the requirement of a Fire Permit;
- 17.1.13. Either directly, or indirectly, personally or through an agent, servant or employee, light a Fire or let a Fire become a Running Fire on any land not their or her own property or allow a Running Fire to pass from their or her own property to the property of another;
- 17.1.14. Light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times;
- 17.1.15. Light a Fire when, a reasonable person would recognize that the weather conditions, including but not limited to wind speed or droughts, are conducive to create a Running Fire;
- 17.1.16. Fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or from spreading onto properties;

- 17.1.17. Conduct any activity that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent a Fire from occurring;
- 17.1.18. Conduct any activity that involves the use of Fire, where the smoke produced impedes the visibility of vehicular and pedestrian traffic on any road or highway and or affects the health of the public; as determined by the CAO, Fire Chief or Designate.
- 17.1.19. Light a Fire on lands owned or controlled by the County except with the County's express written consent;
- 17.1.20. No person shall burn prohibited debris;
- 17.1.21. Light a Pit Fire not conforming to the requirements as defined in section 2.1.18.

## **18. OFFENCE AND PENALTIES:**

- 18.1. A person who contravenes this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six (6) months for non-payment of a fine.
- 18.2. Without restricting the generality of subsection 19.1 fine, fee or tag amounts set out in Westlock County Policy 7.09 are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.
- 18.3. A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any person who the Peace Officer has reasonable and probable ground to believe has contravened any provisions of the Bylaw.
- 18.4. A Municipal Tag may be issued to such person:
  - i. Either personally; or
  - ii. Sending a copy by registered mail to such person to their last known post office address.
- 18.5. The Municipal tag shall be in a form approved by the CAO and shall state:
  - i. The name of person;
  - ii. The offence
  - iii. The specified penalty established by the Bylaw for the offence;
  - iv. That the penalty shall be paid within 30 days of the issuance of the Municipal Tag; and
  - v. Any other information as may be required by the CAO.
- 18.6. Revenue generated from offenses and penalties will be deposited to General Revenue.

## **19. PAYMENT IN LIEU OF PROSECUTION:**

Where a Municipal Tag is issued pursuant to the Bylaw, the person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified within the time period indicated on the Municipal Tag.

## **20. VIOLATION TICKET:**

- 20.1. If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act. Make a voluntary payment by submitting to a Clerk of the provincial Court, on or before the initial appearance date indicated on the Violation ticket, the specified penalty set out on the Violation Ticket.

- 20.2. Notwithstanding section 20.1 a Peace Officer is hereby authorized and empowered to immediately issue a violation Ticket pursuant to the Provincial Offences Procedure Act to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of the Bylaw;
- 20.3. If a Violation Ticket is issued in the respect of any offence, the Violation Ticket may;
  - i. Specify the amount established by the Bylaw for the offence or;
  - ii. Require a person to appear in court without the alternative of making a voluntary payment.

**21. VOLUNTARY PAYMENT:**

- 21.1. A person who commits an offence may:
  - i. If a Violation Ticket is issued in respect of the Offence and;
  - ii. If the Violation Ticket specifies the fine amount established by the Bylaw for the offence;
- 21.2. Make a voluntary payment by submitting to a Clerk of the provincial Court, on or before the initial appearance date indicated on the Violation ticket, the specified penalty set out on the Violation Ticket.

**22. USE OF EMERGENCY LIGHTS:**

- 22.1. A Member responding to an Incident in a vehicle other than a Fire Protection Unit is hereby authorized to use flashing green lights, in accordance with provincial traffic safety laws and operational guidelines established by the County from time to time.
- 22.2. The authorized users of the flashing green lamps must do so in accordance with the operations guidelines established by Council.

**23. REPEAL:**

Bylaw No.24-2013 is hereby repealed.

**24. EFFECTIVE DATE:**

The Bylaw shall come into force and effect upon third and final reading

**READ A FIRST TIME** this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2015.

**READ A SECOND TIME** this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2015.

**READ A THIRD AND FINAL TIME** this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2015.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator