



**WESTLOCK COUNTY BYLAW NO. 56-2024
WESTLOCK, ALBERTA**

Being a Bylaw of Westlock County in the Province of Alberta for the purpose of establishing fire services, recovering fire protection charges, and providing a permitting system for fires and fireworks.

WHEREAS the *Municipal Government Act* provides that a council may pass bylaws respecting:

- a) the safety, health, and welfare of people and the protection of people and property;
- b) services provided by or on behalf of the municipality; and
- c) the enforcement of bylaws.

AND WHEREAS, the *Municipal Government Act* further provides that a municipality may pass bylaws to regulate, prohibit, and impose a system of licenses, permits, or approvals and may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing fires;

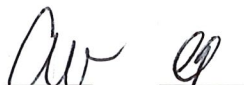
AND WHEREAS, the *Forest and Prairie Protection Act* provides that the council of a municipal district is responsible for fighting and controlling all fires within the boundaries of the municipal district, other than areas contained in a forest protection area;

AND WHEREAS, the *National Fire Code – 2019 Alberta Edition* contemplates that municipalities will regulate the use, sale, and storage of fireworks within their jurisdiction;

AND WHEREAS, Westlock County wishes to provide for the prevention and control of fires within its boundaries;

AND WHEREAS, Section 28 of *Vehicle Equipment Regulation*, Alta Reg 122/2009, provides that a bylaw of a municipality may permit a vehicle, other than an emergency vehicle, that is transporting a full-time fire fighter or a volunteer fire fighter to have flashing green lamps;

NOW THEREFORE, Westlock County of the Province of Alberta, duly assembled, enacts as follows:


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PART I – DEFINITIONS AND INTERPRETATION


1.0 TITLE:

- 1.1 This Bylaw shall be referred to as the "Fire Bylaw."

2.0 DEFINITIONS:

- 2.1 "Acceptable Burning Barrel" means an outdoor receptacle that meets the following specifications:
- 2.1.1 non-combustible structure or container that has draft holes not larger than sixteen (16) millimeters in diameter;
 - 2.1.2 equipped with a heavy gauge metal screen to contain sparks over the fire at all times, with a mesh size not greater than seven (7) millimetres secured in place with latches or weights;
 - 2.1.3 is not located over underground utility services or below above ground wires; and
 - 2.1.4 is located a minimum of five (5) meters from buildings, property lines, and combustible materials.
- 2.2 "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications:
- 2.2.1 is fully enclosed on all sides and constructed entirely from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Manager;
 - 2.2.2 height does not exceed sixty (60) centimetres when measured from the surrounding grade to the top of the pit covering;
 - 2.2.3 opening does not exceed one (1) metre in width or in diameter when measured between the widest points or outside edges;
 - 2.2.4 is set upon or built into the bare ground or on a non-combustible material such as brick, stone, or concrete;
 - 2.2.5 is not located over any underground utilities;
 - 2.2.6 is a minimum of one (1) metre laterally and five (5) metres vertically from any aboveground wires;
 - 2.2.7 Ensure a minimum of three (3) meter clearance, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible material; and,
 - 2.2.8 as may otherwise be determined by the Manager having regard to health, safety, hazards, and risks.
- 2.3 "Acceptable Fireplace" means an outdoor receptacle which meets the following specifications:
- 2.3.1 A minimum of one (1) metre clearance measured from the nearest fireplace edge is maintained from buildings;
 - 2.3.2 the fireplace is constructed of materials such as bricks, rocks, or other materials which are heat and flame resistant;


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- 2.3.3 the fireplace is equipped with a chimney which is not less than two-and-a-half (2.5) metres in height when measured from the base of the fire burning area;
- 2.3.4 the fireplace chimney is equipped with a regulation screen designed to contain and reduce hazards of airborne sparks;
- 2.3.5 the base of the fire burning area is not less than 0.30 metres above the surrounding grade;
- 2.3.6 the fire chamber does not exceed 1.25 metres in width, and is at least 0.40 metres but not more than 0.60 metres in depth; and,
- 2.3.7 as may otherwise be determined by the Manager having regard to health, safety, hazards, and risk.
- 2.4 "Apparatus" means any vehicle provided with machinery, devices, Equipment, or materials for firefighting operated by or for Fire Services whether that vehicle operates on land, in the air, or on the water.
- 2.5 "Backcountry Fire Pit" means an outdoor mobile receptacle, or non-compliant fire pit, which is used on, public lands controlled by the County, or unsupervised campgrounds for the purposes of cooking or obtaining warmth, fueled solely by dry wood.
- 2.6 "Burnable Debris" has the same meaning given to it in the Substance Release Regulation and includes cardboard and paper products.
- 2.7 "Burning Hazard" has the same meaning given to it in the *Forest and Prairie Protection Act*.
- 2.8 "CAO" means the person appointed by Council as Chief Administrative Officer for Westlock County.
- 2.9 "Council" means the duly elected council of Westlock County.
- 2.10 "County" means the municipality of Westlock County.
- 2.11 "District Fire Chief" means the individual appointed as the head of respective district Fire Services, or their designate.
- 2.12 "Equipment" means any tools, contrivances, devices, or materials used by Fire Services to combat an Incident or other emergency.
- 2.13 "Exploding Target" includes an incendiary target, binary target, and any container that contains an explosive substance.
- 2.14 "False Alarm" means any notification, by whatever means received, to Fire Services respecting the existence of a condition, circumstance, fire, or other event containing an imminent, serious danger to Persons or Property, wherein such condition, circumstance, fire or other event does not, in fact, exist.
- 2.15 "Fire Advisory" means an increased Fire Hazard rating for the purpose of fire prevention. Under a Fire Advisory some campfires may be allowed in campgrounds and backcountry or other camping areas at the discretion of the Manager.
- 2.16 "Fire Ban" means an order issued by the Minister responsible for the *Forest and Prairie Protection Act* or an order issued pursuant to this Bylaw by the County for the purpose of cancelling all Fire Permits, prohibiting the lighting of, and requiring the extinguishment of, all fires within the County.
- 2.17 "Fire Guardian" means:
 - 2.17.1 an individual appointed as a fire guardian by resolution of Council in accordance with the *Forest and Prairie Protection Act*; and,


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- 2.17.2 an individual deemed to be a fire guardian under the *Forest and Prairie Protection Act*.
- 2.18 "Fire Hazard" has the same meaning given to it in the *Forest and Prairie Protection Act*.
- 2.19 "Fire Permit" means a permit issued by an individual authorized by the County to do so pursuant to this Bylaw, authorizing the setting of a specific type of fire, and includes a fire permit issued by a Fire Guardian pursuant to the *Forest and Prairie Protection Act*. A Fire Permit may also authorize the sale, purchase, possession, handling, discharge, firing, or setting off of Fireworks in the County.
- 2.20 "Fire Protection" includes any of the services enumerated in Section 4.0 of this Bylaw and includes any other services delivered by or for Fire Services that is authorized by Council.
- 2.21 "Fire Protection Charges" means all rates, fees, and charges payable for, or in connection with, Fire Services in providing Fire Protection within and outside the County's boundaries as prescribed in Schedule "A" of this Bylaw.
- 2.22 "Fire Restriction" means an order issued pursuant to this Bylaw by the County for the purpose of fire prevention and cessation of all or some Fire Permits, at the discretion of the Manager, for the duration of the restriction.
- 2.23 "Fire Services" means the County's Fire Service and includes any fire department providing Fire Protection within the County pursuant to a Fire Services agreement with the County and shall include all Members and Fire Services Property.
- 2.24 "Fire Services Property" means all real and Personal Property owned or controlled by Fire Services and designated for use by Fire Services including but not limited to Apparatus, Equipment, and fire stations.
- 2.25 "Fireworks" means the pyrotechnics classified as fireworks pursuant to the *Explosives Act* and its Regulations, including consumer fireworks, display fireworks and special effect pyrotechnics, but does not include firecrackers or explosive devices.
- 2.26 "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*.
- 2.27 "Hamlet" means an unincorporated community designated as a Hamlet pursuant to Section 590 (1) of the *Municipal Government Act*.
- 2.28 "Incident" includes a fire or any situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or Property.
- 2.29 "Manager" means the Manager of Protective Services for the County, or their designate.
- 2.30 "Member" means any Person who is duly appointed as a member of Fire Services.
- 2.31 "Member in Charge" means the Manager, the Fire Chief, or in the absence of either, the highest-ranking Member who first arrives at the scene of an Incident.
- 2.32 "Municipal Tag" means a tag or similar document issued by the County pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the County in lieu of prosecution of the offence.


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- 2.33 "Nuisance False Alarm" means more than one (1) false alarm on a parcel of land within a calendar year; or a false alarm from an alarm system where it's Alberta Fire Code certification is more than ninety (90) days expired.
- 2.34 "Occupant" means any Person that is in possession, control or occupation of Property including, but not limited to, the holder(s) of an easement or right-of-way.
- 2.35 "Off Highway Vehicle" or "OHV" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp land or any other terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:
- 2.35.1 4-wheel drive vehicles;
 - 2.35.2 Low pressure tire vehicles;
 - 2.35.3 Motorcycles and related 2-wheel vehicles;
 - 2.35.4 Amphibious machines;
 - 2.35.5 All-terrain vehicles;
 - 2.35.6 Miniature motor vehicles;
 - 2.35.7 Snow vehicles;
 - 2.35.8 Minibikes; and,
 - 2.35.9 Any other means of transportation that is propelled by any power other than muscular power or wind.
- 2.36 "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.
- 2.37 "Owner" means any Person listed on title as the registered owner of Property at the Land Titles Office.
- 2.38 "Peace Officer" has the same meaning given to it in the *Provincial Offences Procedures Act*.
- 2.39 "Peat" means peat, peat soil, peat bog, peat land, mire or any other form of sedentarily accumulated material consisting of decomposing and/or dead organic material.
- 2.40 "Person" includes any individual, firm, partnership, or body corporate.
- 2.41 "Prohibited Debris" has the same meaning given to it in the *Substance Release Regulation*.
- 2.42 "Property" means any real or personal property.
- 2.43 "Recreational Fire" means a fire confined within an Acceptable Fire Pit or Acceptable Fireplace, which is lit for the purpose of cooking, obtaining warmth, or viewing for pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane.
- 2.44 "Smudge Fire" means a fire confined to a non-combustible structure or container which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost and is fueled solely by dry wood or charcoal.
- 2.45 "Violation Ticket" has the same meaning given to it in the *Provincial Offences Procedure Act*.
- 2.46 "Windrow" means a row or line constructed of brush or peat.


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3.0 RULES OF INTERPRETATION:

- 3.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.3 In this Bylaw, a citation of, or reference to, any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the County, is a citation of or reference to that act, regulation, or bylaw as amended, whether amended before or after the commencement of the act, regulation, or bylaw in which the citation or reference occurs.
- 3.4 Nothing in this Bylaw relieves a Person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order, or licence.

PART II – FIRE SERVICES

4.0 FIRE SERVICES:

- 4.1 Council hereby establishes Fire Services in the County for the purpose of:
 - 4.1.1 preventing and extinguishing fires;
 - 4.1.2 investigating the origin, cause, and circumstances of Incidents;
 - 4.1.3 preserving life and Property and protecting Persons and Property from injury or destruction by fire;
 - 4.1.4 preventing prairie or running fires and enforcing the provisions of the *Forest and Prairie Protection Act*;
 - 4.1.5 preventing, combating, responding to, and controlling Incidents;
 - 4.1.6 carrying out preventable controls;
 - 4.1.7 providing rescue services;
 - 4.1.8 conducting pre-fire planning and fire inspections;
 - 4.1.9 providing public education and information regarding fire safety;
 - 4.1.10 providing any other emergency response as may be authorized by the County's policy or applicable legislation; and,
 - 4.1.11 enforcing any County fire bylaws or policies.
- 4.2 The County may provide for the delivery of the services listed in Section 4.1 by entering into Fire Services agreements with adjoining municipalities and nothing in this Bylaw shall obligate the County to hire or maintain its own fire department or Members.


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5.0 AUTHORITY & RESPONSIBILITY:

- 5.1 Authority and Responsibility of the Manager:
 - 5.1.1 The Manager shall be appointed by and report to the CAO.
 - 5.1.2 The Manager shall be responsible for managing the overall delivery of Fire Services, subject to:
 - i. this Bylaw;
 - ii. all applicable County policies;
 - iii. the direction of the CAO; and,
 - iv. any agreements the County has with other municipalities or other entities, however constituted, that provide Fire Protection in the County.
 - 5.1.3 The Manager is authorized to delegate, and to authorize further delegations of any powers, duties and functions delegated to the Manager by the CAO under this Bylaw.
- 5.2 Authority and Responsibility of a District Fire Chief:
 - 5.2.1 A District Fire Chief shall be responsible to the Manager for the performance of their duties pursuant to this Bylaw and all applicable County policies.
 - 5.2.2 Subject to approval by the Manager, a District Fire Chief may prescribe rules, regulations, and policies for the ongoing organization, administration, and day-to-day operation of Fire Services, including but not limited to:
 - i. use, care, maintenance, and protection of Fire Services Property;
 - ii. the appointment, recruitment, conduct, discipline, duties, training, and responsibilities of Members;
 - iii. the efficient operation of Fire Services; and,
 - iv. such other functions, powers and responsibilities as the Manager or CAO may prescribe.
- 5.3 Authority and Responsibility of Members:
 - 5.3.1 Members are responsible to a District Fire Chief for the performance of their duties pursuant to this Bylaw and applicable County policies.
- 5.4 Authority and Responsibility of Member in Charge:
 - 5.4.1 The Member in Charge at an Incident shall have control, direction, and management of all Apparatus, Equipment, and manpower assigned to that Incident and shall continue to act as the Member in Charge until relieved by another Member authorized to do so.
 - 5.4.2 The Member in Charge shall act as deemed necessary for preserving life and Property and protecting Persons and Property from injury or destruction by fire or other emergency and is authorized to:
 - i. enter, pass through, or over buildings, structures, or Property whether adjacent or in proximity to an Incident and to cause Members or Apparatus to enter or pass through or over the building, structure, or Property without permission.
 - ii. establish boundaries or limits and keep Persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Member in Charge;


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- iii. request Peace Officers to enforce restrictions on Persons entering within the boundaries or limits outlined in Subsection 5.4.2.ii;
- iv. cause a building, structure, or thing to be pulled down, demolished, or otherwise removed;
- v. secure County manpower and Equipment which is considered necessary to deal with an Incident;
- vi. secure or commandeer privately owned Equipment which is considered necessary to deal with an Incident and authorize payment for use of the Equipment;
- vii. require any adult Person who is not a Member to assist in:
 - extinguishing a fire or preventing the spread thereof;
 - removing furniture, goods, and merchandise from any building or structure on fire or in danger, and in guarding and securing the same; and,
 - demolishing a building or structure at or near the fire or other Incident.

5.5 Appointment and Powers of Fire Guardians:

5.5.1 Council delegates its authority to appoint Fire Guardians under the *Forest and Prairie Protection Act* to the CAO in accordance with Section 203 of the *Municipal Government Act*.


5.5.2 Fire Guardians shall have the authority and power to:


- i. exercise all powers prescribed for Fire Guardians under the *Forest and Prairie Protection Act*;
- ii. issue Fire Permits in accordance with this Bylaw;
- iii. issue a Fire Permit unconditionally or to impose any conditions on the Permit that the Fire Guardian considers appropriate, in their sole discretion, given the nature of the fire and prevailing circumstances, location, and environmental conditions;
- iv. suspend or cancel a Fire Permit at any time; and,
- v. refuse to issue a Fire Permit where, in the opinion of the Fire Guardian, there is a risk to the public in relation to the proposed fire.

PART III – FIRES AND FIRE PERMITS

6.0 PERMITTED & PROHIBITED FIRES:

- 6.1 No Person shall burn or cause to be burned any Prohibited Debris.
- 6.2 No Person shall light or cause to be lit, or otherwise allow or permit, any outdoor fire upon land they are the Owner or Occupant, unless the Person holds a valid and subsisting Fire Permit, or the fire is exempt from the requirement for a Fire Permit under this Bylaw.
- 6.3 Notwithstanding Section 6.2, no Person shall light or cause to be lit, or otherwise allow or permit, any outdoor fire upon land they are the Owner or Occupant located


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within a Hamlet, Multi-Lot Residential Area, or the Country Residential Estate (CR2) District as defined in the Land Use Bylaw, unless the fire is a Recreational Fire.


- 6.4 A Fire Permit is not required under this Bylaw for:
- 6.4.1 a fire in an Acceptable Burning Barrel which is lit for the purpose of burning household refuse or other Burnable Debris;
 - 6.4.2 a fire in an Acceptable Fire Pit or Acceptable Fireplace;
 - 6.4.3 a Recreational Fire;
 - 6.4.4 a Smudge Fire;
- provided that:
- i. the fire is kept under control and supervised at all times by a responsible adult until such time that the fire has been completely extinguished; and,
 - ii. flame height does not exceed ninety (90) centimetres above the structure or container.
- 6.5 This Bylaw does not apply to:
- 6.5.1 an outdoor fire lit by Fire Services for training or preventive control purposes;
 - 6.5.2 an outdoor fire that is a flare stack used in the petroleum industry;
 - 6.5.3 an outdoor fire prescribed by regulations under the *Forest and Prairie Protection Act*; or,
 - 6.5.4 a fire confined to an incinerator regulated under the *Environmental Protection and Enhancement Act*.


7.0 FIRE PERMITS:

- 7.1 Fire Permits are required throughout the entire year.
- 7.2 An application for a Fire Permit shall be made on the form approved by the Manager, and may be amended from time to time.
- 7.3 A Fire Permit shall only be valid for the time period expressly indicated on the Fire Permit, as determined by the Fire Guardian issuing the permit at their sole discretion, having regard for the nature and purpose of the fire, and prevailing circumstances and environmental conditions.
- 7.4 The CAO, Manager, a District Fire Chief, a Fire Guardian, or a Peace Officer 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. Notification of cancellation may be made by telephone, in writing, or in Person.
- 7.5 A Fire Permit is not transferrable.

8.0 BURNING PEAT:

- 8.1 An application for a Fire Permit for burning Peat must be made on or before March 31st in a given calendar year.


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- 8.2 An application must provide the 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 a description of the material which the applicant proposes to burn.
- 8.3 Only one Fire Permit for burning Peat will be issued per applicant in any calendar year.
- 8.4 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.
- 8.5 No two (2) Fire Permits for burning Peat will be issued unless there is a minimum four (4) mile radius between successful Fire Permit applicants.
- 8.6 No Fire Permit will be issued to burn any Peat pile within one hundred (100) feet of any intersection or County road, within five hundred (500) feet of an occupied dwelling, or within one (1) mile of a Provincial highway.
- 8.7 If more than one (1) applicant is applying to burn Peat within a four (4) mile radius, or if more than five (5) applications are received within an electoral division that fall outside the four (4) mile radius, a draw will be conducted by the Manager. Each applicant will be notified of the time and date of the draw and will have the option to attend.
 - 8.7.1 Applicants not successful in a draw in any given year may be given preference the following year, provided they have not been in contravention of any of the provisions of this Bylaw within the past twelve (12) months.
- 8.8 Successful applicants will have the option to defer an approved Fire Permit for a period of one (1) year. If an applicant defers, another Fire Permit may be issued within that electoral division provided it meets all the provisions outlined.
- 8.9 Before a Fire Permit is issued for burning Peat the applicant must provide proof of \$2,000,000.00 public liability insurance.
- 8.10 A public notice will be issued annually as to the legal land location of all successful applicants for a Fire Permit to burn Peat.
- 8.11 Fire Permits authorizing Peat burning shall only be issued between July 1st and August 31st.
- 8.12 Prior to issuing a Fire Permit for Peat burning, the Manager 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.
- 8.13 The Manager may stipulate on the Fire Permit any special conditions with which the applicant must comply with in addition to those standard conditions noted therein.
- 8.14 A Fire Permit for burning Peat will be issued for thirty (30) days and may be extended for a maximum of an additional twenty-one (21) days with approval from the Manager. An adequate drying time of no less than two (2) years is required before Peat piles will be eligible to be burned.
- 8.15 Eligible Peat piles shall be no more than:
 - 8.15.1 Seventy-five (75) feet wide;
 - 8.15.2 Two-hundred and fifty (250) feet long; and,
 - 8.15.3 Twenty (20) feet high.
- 8.16 An applicant may apply for a Fire Permit to burn up to a maximum of four (4) Peat piles per permit.
 - 8.16.1 In the case of an application to burn multiple Peat piles, the piles shall:
 - i. Be no more than five hundred (500) feet apart; and,


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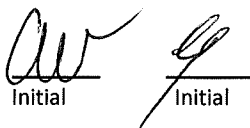
- ii. Have a one hundred (100) foot fireguard spacing between each pile.

9.0 PERMIT HOLDER RESPONSIBILITIES:

- 9.1 Every Person who sets a fire under authority of a Fire Permit shall:
 - 9.1.1 comply with any terms or conditions of the permit;
 - 9.1.2 keep the permit at the site of the fire;
 - 9.1.3 produce the permit to a Fire Guardian, the CAO, the Manager, a Member, or a Peace Officer, upon request;
 - 9.1.4 have a responsible adult in attendance at the fire at all times under the conditions as listed in the Fire Permit;
 - 9.1.5 keep the fire under control;
 - 9.1.6 not allow smoke or sparks to drift or otherwise create a nuisance or hazard to neighbouring Property, Persons, or roadways;
 - 9.1.7 completely extinguish the fire before expiration of the permit or upon cancellation of the permit; and,
 - 9.1.8 be responsible for any costs incurred by the Fire Services when called upon to extinguish such fire if, in the opinion of the Manager, as the case may be, the fire is a hazard to Persons or Property.

10.0 FIREWORKS:

- 10.1 No Person shall sell, purchase, possess, handle, discharge, fire or set off Fireworks within the County unless they hold a valid and subsisting Fire Permit.
- 10.2 An application for a Fire Permit shall be made in writing on the form approved by the Manager, and may be amended from time to time.
- 10.3 The issuance of a Fire Permit shall be at the sole discretion of the Manager.
- 10.4 No Person under the age of eighteen (18) years old shall apply for a Fire Permit.
- 10.5 The Manager may add conditions to a Fire Permit, including but not limited to:
 - 10.5.1 the time(s) and date(s) for which the Fire Permit is valid;
 - 10.5.2 the storage and methods of storage of Fireworks;
 - 10.5.3 the location(s) where the Fireworks may be discharged; and,
 - 10.5.4 the activity that the Fire Permit authorizes.
- 10.6 A Fire Permit may include any further terms and conditions that the Manager deems necessary for the safe sale or use of the Fireworks.
- 10.7 No Person shall sell, purchase, possess, handle, discharge, fire or set off Fireworks in a manner that is contrary to the terms and conditions of a Fire Permit.
- 10.8 Any Person selling, purchasing, possessing, handling, discharging, firing, or setting off Fireworks shall keep the Fire Permit available for immediate production to the CAO, Manager, Fire Guardian, the District Fire Chief, or a Peace Officer upon demand.
- 10.9 The CAO, Manager, Fire Guardian, a District Fire Chief, or a Peace Officer may, in their sole discretion, terminate, suspend, or cancel a Fire Permit at any time. The


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following non-exhaustive list of circumstances may result in a Fire Permit being revoked:

- 10.9.1 non-compliance with the *National Fire Code – 2019 Alberta Edition, the Explosives Act*, this Bylaw, or the terms and conditions of the Fire Permit;
- 10.9.2 due to changes in environmental conditions;
- 10.9.3 for any reason related to safety to life, limb, or Property.
- 10.10 No Person shall have in their possession, sell, offer for sale, give away or otherwise distribute, discharge, fire, or set off firecrackers within the County.
- 10.11 The sale, purchase, possession, handling, and discharge of Fireworks shall always be carried out in compliance with the *Explosives Act and the National Fire Code – 2019 Alberta Edition*.

PART IV – FIRE RESTRICTIONS AND BANS

11.0 FIRE RESTRICTION:

- 11.1 The Manager may, from time to time, prohibit the issuance of any new Fire Permits and suspend all active Fire Permits when, in the opinion the Manager, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 11.2 A Fire Restriction imposed pursuant to Section 11.1 shall remain in force until either the date provided in the notice of the Fire Restriction or until such time as the Manager provides notice to the public that the Fire Restriction is no longer in effect.
- 11.3 Notice of a Fire Restriction shall be provided to the public. Notice may be in the form of signage, through a public service message on the local radio stations, or by any other means which the Manager determines is appropriate for the purpose of informing the public of the Fire Restriction.
- 11.4 When a Fire Restriction is in place, Fire Permits may be issued at the sole discretion of the Manager.
- 11.5 When a Fire Restriction is in place, no Person shall ignite any fire or unless the fire is exempt from requiring a Fire Permit.

12.0 FIRE BAN:

- 12.1 The Manager may prohibit all fires in the County when, in the opinion the Manager, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 12.2 Fire Bans may be established and declared for the entire County or portions of the County.
- 12.3 A Fire Ban imposed pursuant to Section 12.1 shall remain in force until either the date provided in the notice of the Fire Ban or until such time as the Manager provides notice to the public that the Fire Ban is no longer in effect.
- 12.4 Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signage, through a public service message on the local radio stations, or by any


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other means which the Manager determines is appropriate for the purpose of informing the public of the Fire Ban.

- 12.5 Subject to Section 12.6, when a Fire Ban is in place, no Person shall ignite any 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 ought reasonably to know of the Fire Ban.
- 12.6 During a Fire Ban a Person may, subject to the requirements of this Bylaw, and unless the notice of the Fire Ban provides otherwise, use a barbeque that burns propane, natural gas, compressed briquettes, wood pellets or charcoal, provided that the barbeque is used for the purpose of cooking or obtaining warmth and is used on private Property or in a public area that has been approved by the County for the use of such barbecues.

13.0 REQUIREMENT TO REPORT:

- 13.1 The Owner of any Property damaged by fire shall immediately report the particulars of such fire to the Manager.

PART V – COST RECOVERY

14.0 FIRE PROTECTION CHARGES:

- 14.1 Upon Fire Services providing Fire Protection on a parcel of land within the County's boundaries, the County may, in its sole and absolute discretion, charge Fire Protection Charges to any or all of the following Persons, namely:
- 14.1.1 the Person or Persons causing or contributing to the fire;
 - 14.1.2 the Occupant of the parcel of land on which Fire Protection was provided;
 - 14.1.3 the Owner of the parcel of land which Fire Protection was provided;
 - 14.1.4 the Person with control over the parcel of land on which Fire Protection was provided, which may include, without restriction, a Property manager; and
 - 14.1.5 the Person or Persons who requested Fire Protection;
- and all Persons charged are jointly and severally liable for payment of the Fire Protection Charges to the County.
- 14.2 Fire Protection Charges shall be paid within thirty (30) days of receipt of an invoice.
- 14.3 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the County is entitled to on the parcel of land in respect of which the indebtedness is incurred.
- 14.4 Without limiting Section 14.1, the Owner of a parcel of land within the County to which Fire Protection is provided is liable for Fire Protection Charges incurred and the County may add to the tax roll of the parcel of land all unpaid Fire Protection 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*.


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- 14.5 Notwithstanding the provisions of Sections 14.1, 14.2, and 14.3, the County may elect to recover Fire Protection Charges from any Persons responsible for those charges pursuant to the *Forest and Prairie Protection Act*.
- 14.6 A Person who has damaged or destroyed any Apparatus, Equipment or Fire Services Property shall, in addition to any penalty imposed to in this Bylaw, be liable for, and pay upon demand, all costs incurred by the County to repair or replace the Apparatus, Equipment, or Fire Services Property in question.

15.0 SERVICE FEES & CHARGES:

- 15.1 The County may establish and levy fees and charges for services, including but not limited to:
- 15.1.1 fees for responding to an Incident;
 - 15.1.2 Fire Permit and application fees;
 - 15.1.3 site inspection fees;
 - 15.1.4 fire investigation fees; and,
 - 15.1.5 fees for file searches and copying records.
- 15.2 The fees and charges described in this section shall be a debt due and owing to the County and collection of unpaid fees and charges may be undertaken by civil action in a court of competent jurisdiction.

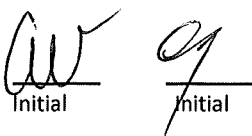
PART VI – ENFORCEMENT

16.0 INSPECTION & ENFORCEMENT:

- 16.1 Where a parcel of land does not comply with this Bylaw or a Person contravenes this Bylaw, the County may pursue its enforcement alternatives in accordance with this Bylaw, any enactment or any common law right, including issuing an order to remedy contraventions or dangers, remedying contraventions or dangers by the County, adding amounts to the tax roll of the Owner of the parcel, and pursuing injunctions pursuant to the *Municipal Government Act*.
- 16.2 The Manager is authorized to carry out inspections of land and structures, issue orders, remedy conditions and contraventions, and enforce this Bylaw in accordance with the *Municipal Government Act*.

17.0 OFFENCES:

- 17.1 No Person shall:
- 17.1.1 contravene any provision of this Bylaw;
 - 17.1.2 contravene any term or condition of a permit issued pursuant to this Bylaw;
 - 17.1.3 cause or permit a Burning Hazard or Fire Hazard to exist on a parcel of land;
 - 17.1.4 deposit, discard, or abandon any burning matter or substance so as to create a Burning Hazard;
 - 17.1.5 light a fire or cause a fire to be lit during a Fire Ban;


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- 17.1.6 light a fire or allow a fire to be lit unless they are a holder of a valid Fire Permit if required under this Bylaw or the *Forest and Prairie Protection Act* or both;
- 17.1.7 light Fireworks or allow Fireworks to be lit unless they are a holder of a valid Fire Permit under this Bylaw;
- 17.1.8 provide false, incomplete, or misleading information to the CAO, Manager, a Fire Guardian, District Fire Chief, or a Peace Officer with respect to a fire or a permit application;
- 17.1.9 light a fire on any land not the Person's own without the written consent of the Owner of the land;
- 17.1.10 permit a fire lit by that Person to pass from their own land to the land of another Person;
- 17.1.11 light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- 17.1.12 conduct any activity that might reasonably be expected to cause a fire unless that Person exercises reasonable care to prevent a fire from occurring;
- 17.1.13 conduct any activity that involves the use of a fire, where smoke produced by the fire may impede visibility of vehicular and pedestrian traffic on any road or highway;
- 17.1.14 light a fire on lands owned or controlled by the County except with the County's express written consent;
- 17.1.15 cause Nuisance False Alarms at anytime; or,
- 17.1.16 operate an OHV on lands owned or controlled by the County during a fire restriction/ban unless authorized by the CAO or their designate.

18.0 VICARIOUS LIABILITY:

- 18.1 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

19.0 CORPORATIONS & PARTNERSHIPS:

- 19.1 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 19.2 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.



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20.0 FINES & PENALTIES:


- 20.1 A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
 - 20.1.1 not less than the specified penalty established in Schedule "A"; and,
 - 20.1.2 in the case of all other offences, not exceeding \$10,000.00.
- 20.2 Without restricting the generality of Section 20.1 the fine amounts set out in Schedule "A" are established as specified penalties for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.
- 20.3 Notwithstanding Section 20.1, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of a first offence, is liable on summary conviction to a fine not less than the increased amount set out for the offence in Schedule "A" to this Bylaw.


21.0 MUNICIPAL TAG:

- 21.1 A Peace Officer is authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 21.2 A Municipal Tag may be issued:
 - 21.2.1 personally; or,
 - 21.2.2 by mailing a copy, via registered mail to such Person at their last known postal address.
- 21.3 The Municipal Tag shall be in a form approved by the CAO and shall state:
 - 21.3.1 the name of the Person to whom the Municipal Tag is issued;
 - 21.3.2 particulars of the contravention under this Bylaw;
 - 21.3.3 the specified penalty for the offence as set out in Schedule "A";
 - 21.3.4 that the specified penalty shall be paid within twenty-one (21) days of the issuance of the Municipal Tag in order to avoid prosecution; and,
 - 21.3.5 any other information as may be required by the Peace Officer or designate.
- 21.4 Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Municipal Tag.

22.0 VIOLATION TICKET:

- 22.1 Where a Municipal Tag has been issued and the specified penalty has not been paid within the prescribed time, the Peace Officer is authorized to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 22.2 Notwithstanding Section 22.1, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 22.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - 22.3.1 state the specified penalty for the offence as set out in Schedule "A"; or,
 - 22.3.2 require a Person to appear in Provincial Court without the alternative of making a voluntary payment.
- 22.4 A Person who commits an offence may:


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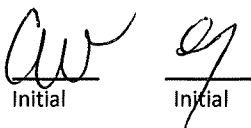

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- 22.4.1 if a Violation Ticket is issued in respect of the offence; and,
22.4.2 if the Violation Ticket states the specified penalty established by this Bylaw for the offence, as set out in Schedule "A" herein;
make a voluntary payment by submitting 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.
- 22.5 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 22.4 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART VII – EMERGENCY RESPONSE

23.0 USE OF GREEN LAMPS:

- 23.1 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.
- 23.2 The authorized users of the flashing green lamps must do so in accordance with the operations guidelines established by Council.


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PART VIII - GENERAL

24.0 REPEAL OF PREVIOUS BYLAW:

24.1 Westlock County Fire Bylaw #06-2020 and Fireworks Bylaw 18-2010 are hereby repealed.

READ A FIRST TIME THIS 28 DAY OF May, 2024.

Awosi

Reeve

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Chief Administrative Officer

READ A SECOND TIME THIS 28 DAY OF May, 2024.

Awosi

Reeve

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Chief Administrative Officer

RECEIVED UNANIMOUS CONSENT FOR CONSIDERATION OF THREE READINGS IN ONE MEETING VIA COUNCIL RESOLUTION # 0131-2024 THIS 28 DAY OF May, 2024.

READ A THIRD TIME AND PASSED THIS 28 DAY OF May, 2024.

Awosi

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Chief Administrative Officer

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Schedule "A"

Bylaw Section Number	Offence	Municipal Tag
6.1	Burning Prohibited Debris.	\$500
6.2	Fire without a Fire Permit.	\$500
6.3	Fire in a Hamlet, Multi-Lot Residential Area, or the Country Residential Estate (CR2) District.	\$300
8.0	Non-Compliant Peat burning.	\$5,000.00 With a two-year fire permit suspension
10.1	Sell, Purchase, Possess, Handle, Discharge, Fire or Set Off Fireworks without a Permit.	\$500
10.10	Sell, offer for sale, give away or otherwise distribute, discharge, fire or set off firecrackers within the County.	\$500
13.1	Failure to report fire.	\$500
15	Where the County has taken any action responding to an incident resulting from a motor vehicle accident or motor vehicle fire, and the incident occurs on municipal roadways.	\$400.00 for the first hour or portion thereof for a fire protection response; plus, \$200.00 for every hour or portion thereof
15	Motor vehicle collision or motor vehicle fire on Provincial highways.	In accordance with Alberta Infrastructure and Transportation Policy TCE-DC-501, as amended or repealed and replaced from time to time
15	Any costs associated with wildland fires on crown land or forest protection areas.	According to Provincial Wildland Urban Interface (WUI).



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17.1.2	Contravene any term or condition of a permit.	\$500
17.1.3	Cause or permit a Burning Hazard to exist on a parcel of land.	\$500
17.1.4	Deposit, discard, or abandon any burning matter or substance so as to create a Burning Hazard.	\$300
17.1.5	Light a fire or cause a fire to be lit during a fire ban.	\$500
17.1.6	Light a fire or cause a fire to be lit without a Fire Permit.	\$500
17.1.7	Discharge Fireworks or allow Fireworks to be lit without a Fire Permit.	\$500
17.1.8	Provide false or misleading information.	\$500
17.1.9	Light a fire on land without written permission of Owner.	\$500
17.1.10	Permit a fire to pass to another Person's land.	\$500
17.1.11	Light a fire without sufficient precautions.	\$500
17.1.12	Conduct any activity that might reasonably be expected to cause a fire without exercising reasonable care.	\$500
17.1.13	Conduct any activity that involves the use of a fire, where smoke produced by the fire may impede visibility of vehicular and pedestrian traffic on any road or highway.	\$500


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17.1.14	Light a fire on lands owned or controlled by the County except with the County's express written consent.	\$300
17.1.15	<p>"Nuisance False Alarm" at any time – Offences within one year.</p> <p>1st 2nd 3rd</p>	<p>Written warning \$200 \$400</p>
17.1.16	Operate an operate an OHV on lands owned or controlled by the County during a fire restriction/ban.	\$500

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