



WESTLOCK COUNTY BY-LAW NO. 06-2020

WESTLOCK, ALBERTA

Being a bylaw of Westlock County, in the Province of Alberta, that authorizes Westlock County 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WHEREAS the Municipal Government Act, R.S.A 2000,c. M-26 as amended or repealed and replaced from time to time, provides that a municipality may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing fires,

WHEREAS the Forest and Prairie Protection Act, R.S.A 2000, c. F-19, as amended or repealed or repealed and replaced from time to time, provides the municipality with the authority to enforce the provisions of the said Act;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 WESTLOCK COUNTY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. Title

1.1 This bylaw may be cited as the "Fire Protection Bylaw".

2. Preamble and Schedules

2.1 The preamble and any schedules hereto for a part of this bylaw.

3. Definitions

In this bylaw:

- 3.1 BBQ means an outdoor receptacle, which is used solely for the purposes of cooking, fueled solely by liquid fuel, propane or natural gas;
- 3.2 BACK COUNTRY FIRE PIT means an outdoor mobile receptacle, or non-compliant fire pit, which is used for the purposes of cooking or obtaining warmth, fueled solely by dry wood;
- 3.3 BRUSH means any wood products of small branches thicket of shrubs and small trees;
- 3.4 BURN BARREL AND SMALL INCINERATOR means a constructed of non-combustible material, 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-

- combustibles material base, and shall be located at least 3 meters away from any combustibles, as described under section 14.2;
- 3.5 CHIEF ADMINISTRATIVE OFFICER (CAO) means the individual appointed by Council as Chief Administrative Officer for the County or their delegate;
- 3.6 COUNCIL means the Council of the County;
- 3.7 COUNTY means the Municipal corporation of Westlock County;
- 3.8 COUNTY ADMINISTRATION means any designated officer, including County Administrator, Manager of Protective Services, designate or any other County employee(s) so delegated by a designated officer;
- 3.9 DANGEROUS GOODS mean 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, repealed and replaced from time to time;
- 3.10 DEMOLITION PERMIT means a permit issued by the County's Planning and Development department in relation to demolition of a structure(s)
- 3.11 DESIGNATE means the individual appointed as Manager of the Fire Protection Department;
- 3.12 DISTRICT FIRE CHIEF means a member of Protective Services District appointed by and reports to the Manager of Protective Services, to perform the duties and responsibilities as set out in the Bylaw, all applicable County policies and the policies of the Fire Protection Department;
- 3.13 DISTRICT FIRE STATION means a fire station providing coverage to designated area in Westlock County operated directly by the County;
- 3.14 ELECTORAL DIVISION means the area established for the purpose of electing individuals to Council;
- 3.15 EXPLODING TARGET includes an incendiary target, binary target and any container that holding explosive substance;
- 3.16 FALSE ALARM means an alarm from an alarm system that is not caused by heat, smoke, or fire, or a request for fire services where no actual emergency exists
- 3.17 FIRE means any combustible materials in a state of combustion;
- 3.18 FIRE ADVISORY means the fire hazard rating has increased for the purpose of fire prevention. 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 approve
- 3.19 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 cancelling all fire permits, prohibiting the lighting of, or requiring the extinguishment of all fires
- 3.20 FIRE GUARDIAN means a person named or appointed by the County Council or under the *Forest and Prairie Protection Act*, as Fire Guardian
- 3.21 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

- 3.22 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
- 3.23 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, natural gas or propane
 - 3.23.1 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
 - 3.23.2 The Fire Pit opening does not exceed one (1) meter or less in width or in diameter when measured between the widest points or outside edges
 - 3.23.3 The Fire Pit installation has enclosed sides made from bricks, concrete blocks, and heavy gauge metal or other non-combustible materials
 - 3.23.4 A spark arrester mesh screen with openings no larger than twenty-five (25) millimeters and constructed of expanded metal (or equivalent non-combustible material) is used to cover the Fire Pit opening in a manner enough to contain and reduce the hazards of airborne sparks
 - 3.23.5 The Fire Pit is not located over any underground utilities or under any aboveground wires
 - 3.23.6 Is otherwise acceptable to a municipal Fire Guardian
- 3.24 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 or under the Fire Protection Department Operation Guideline and Response Protocols
- 3.25 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
- 3.26 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 Manager of Protective Services and District Fire Chief and the Designate, as well as all Fire Protection Property
- 3.27 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
- 3.28 FIRE PROTECTION UNIT means a fire truck, fire engine, rescue truck, fast attack truck, tender or a combination of Fire Protection property used collectively in response to a specific type of Incident or emergency
- 3.29 FIRE RESTRICTION means an Order issued pursuant to the Bylaw for the purpose of fire prevention and may cessation of fire permits and/or any other hazards for duration of the restrictions

- 3.30 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*
- 3.31 HAMLET means an unincorporated community designated as a hamlet pursuant to Section 590 (1) of the *Municipal Government Act*
- 3.32 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
- 3.33 INCINERATOR FIRE means an Industrial or Commercial type incinerator that is required to be licensed and CSA approved under the *Alberta Environmental Protection and Enhancement Act* regulations
- 3.34 MANAGER OF PROTECTIVE SERVICES 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
- 3.35 MANAGED RECREATION CAMPGROUND 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
- 3.36 MEMBER means any person who is duly appointed a member of the Fire Protection Department and includes the Manager of Protective Services and the District Fire Chief
- 3.37 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
- 3.38 NUISANCE FALSE ALARM means more than one (1) false alarm on a parcel of land within a calendar year; or a false alarm from alarm system where its Alberta Fire Code certification is more than ninety (90) days expired
- 3.39 OFF HIGHWAY VEHICLE (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
 - 3.39.1 4-wheel drive vehicles
 - 3.39.2 Low pressure tire vehicles
 - 3.39.3 Motorcycles and related 2-wheel vehicles
 - 3.39.4 Amphibious machines
 - 3.39.5 All-terrain vehicles
 - 3.39.6 Miniature motor vehicles
 - 3.39.7 Snow vehicles
 - 3.39.8 Minibikes, and
 - 3.39.9 Any other means of transportation that is propelled by any power other than muscular power or wind
- 3.40 OPEN FIRE means any Fire which is, without limiting the generality of the foregoing shall include grass fire, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires

- 3.41 OWNER means:
 - 3.41.1 In respect of unpatented land, the crown
 - 3.41.2 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
 - 3.41.3 In respect of any property other than land, the person in lawful possession of it
- 3.42 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
- 3.43 PEAT means thirty-five percent (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
- 3.44 PILE means a pile constructed of brush or peat
- 3.45 PROHIBITED DEBRIS means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances and includes but is not limited to:
 - 3.45.1 Animal manure
 - 3.45.2 Pathological waste
 - 3.45.3 Non-wooden material
 - 3.45.4 Waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives
 - 3.45.5 Combustible material in automobile bodies
 - 3.45.6 Tires
 - 3.45.7 Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel
 - 3.45.8 Used oil, and
 - 3.45.9 Wood or wood products containing substances for the purpose of preserving wood
- 3.46 PROPERTY means any real or personal property, including but not limited to land and structures
- 3.47 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
- 3.48 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
- 3.49 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
- 3.50 UNSUPERVISED RECREATION CAMPGROUND FIRE PIT means an unsupervised property with outdoor receptacle that meets the following specifications, which is used for the purposes of cooking or obtaining warmth, fueled solely by dry wood
- 3.51 WINDROW means row or line constructed of brush or peat

4. Fire Protection Department Levels of Service

- 4.1 Council does hereby establish the County Fire Department for the purposes of providing the follow services:
 - 4.1.1 Preserving life and property and protecting persons from injury or destruction by fire
 - 4.1.2 Preventing and extinguishing fires
 - 4.1.3 Investigating the cause and origin of fires
 - 4.1.4 Control and extinguishing of wildland/urban interface fires
 - 4.1.5 Vehicle extrication
 - 4.1.6 Preventing prairie or running fires and enforcing the provisions of the *Forest and Prairie Protection Act*
 - 4.1.7 Carrying out agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
 - 4.1.8 Purchasing, maintaining and operating apparatus, fire halls and equipment for extinguishing fires or preserving life and property
 - 4.1.9 Assisting emergency medical services to a first aider and automatic external defibrillator level;
 - 4.1.10 Mitigation and control of dangerous goods incidents;
 - 4.1.11 Assist industrial businesses in controlling emergency situations within fire department capabilities;
 - 4.1.12 Disaster planning;
 - 4.1.13 Public education and information;
 - 4.1.14 Training of or other staff development and advising;
 - 4.1.15 Assist with other emergency incidents as requested; and
 - 4.1.16 Enforcing any fire bylaws of the County, fire policies of the County and any applicable Alberta fire legislation.

5. Manager of Protective Services

The Manager of Protective Services shall be appointed by the CAO and report to the Director of Planning and Community Services or their designate.

- 5.1 The Manager of Protective Services shall be 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:
 - 5.1.1 Care, maintenance and protection of Fire Protection Property
 - 5.1.2 The appointment, recruitment, conduct, discipline, duties, training and responsibilities of members
 - 5.1.3 The efficient operation of the Fire Protection Department; and may perform such other functions and have such other power and responsibilities the Chief Administrative or his designate may from time to time prescribe

- 5.2 The Manager of Protective Services 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*;
- 5.3 The Manager of Protective Services shall:
 - 5.3.1 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;
 - 5.3.2 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
- 5.4 The Manager of Protective Services or in their absence, the District 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 Manager of Protective Services or District Fire Chief in accordance with Standard Operating Guidelines;
- 5.5 The Manager of Protective Services, or in their absence, the District 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;
- 5.6 The Manager of Protective Services, or in their absence, the District Fire Chief, or in their absence, the senior member present at an incident; is empowered to enter to take any actions he/she determines to be necessary in order to directly or indirectly respond to and control an incident, including but not limited to:
 - 5.6.1 Passing through or over buildings or property whether adjacent or in proximity to an incident and remain in or on the building or property;
 - 5.6.2 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;
 - 5.6.3 Cause the building, structure or property to be pulled down, demolished or otherwise removed.

6. Fire Protection Charges

- 6.1 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 the following persons
 - 6.1.1 The person or persons causing or contributing to the Incident, or
 - 6.1.2 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.

- 6.2 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 favor of the County from the date the amount was added to the tax roll, in accordance with the *Municipal Government Act*

- 6.3 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*.
- 6.4 Notwithstanding Subsection 6.1 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 wildfire.

7. Duties of Railway Companies

- 7.1 Railway Legislation Rolling Stock and Track have the meanings respectively assigned to those terms on the *Railway Alberta Act*.
- 7.2 Railway Operator means a person who owns or is otherwise responsible for the control, management or operation of Rolling Stock or Track.
- 7.3 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.
- 7.4 Where fire originates in the right of way, or within one hundred (100) meters outside each boundary of the right of way, on which the track rails are located, each Railway Operator:
- 7.4.1 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;
- 7.4.2 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.
- 7.5 Each Railway Operator is jointly and severally liable for all costs and expenses of and Incidental to fighting a fire referred to in Section 7.3, and shall, on demand, reimburse the County for all costs incurred in fighting the fire.

8. 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 thirty (30) meters from the nearest water's edge.

9. Fire Guardians

County Council shall appoint Fire Guardians each year to enforce the provisions of the Forest and Prairie Protection Act and the Bylaw.

10. Authority of Fire Guardians

- 10.1 Fire Guardians shall have the authority and power to:
- 10.1.1 Issue a Fire Permit in respect of any property within the County

- 10.1.2 Issue a Fire Permit unconditionally or to impose any conditions with the permit that the Fire Guardian considers appropriate, in their or sole direction, given the nature of the fire and prevailing circumstances, location and environmental conditions.
- 10.1.3 Suspend or cancel a Fire Permit at any time;
- 10.1.4 Enforce the provisions of the *Forest Prairie Protection Act* within the boundaries of the County;
- 10.1.5 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.

11. Entry and Inspection

- 11.1 Notwithstanding Section 5.2, 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*.
- 11.2 A Fire Guardian may, without a warrant, enter any private dwelling house that is on fire.

12. Control of Fire Hazard

- 12.1 If the Manager of Protective Services 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 Manager of Protective Services or their designate.
- 12.2 If an order under Section 12.1 has not been carried out, the Manager of Protective Services, District 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.
- 12.3 The owner or occupant of the lands on which work is performed pursuant to Section 12.2 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*.

13. Fire Permits

- 13.1 No person shall light or cause to be lit any fire or permit any fire upon land owned or occupied by him/her 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*.
- 13.2 Notwithstanding Section 13.1, no person shall permit a fire upon land owned or occupied by or under their control, which is located within a Hamlet, Estate or Multi Lot Division unless the specific type of fire is exempted pursuant to Section 13.10 of the Bylaw.

- 13.3 Fire Permits are required within County fire Protection boundaries year-round. With exception of the forest protection area.
- 13.4 Fire Permits are required year-round.
- 13.5 A Fire Permit shall only be valid for the time period expressly indicated on the permit.
- 13.6 All Fire Permits must have written consent of the registered landowner;
- 13.7 Notwithstanding Section 13.5 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.
- 13.8 A Fire Permit is not transferable.
- 13.9 No person shall contravene any term or condition imposed on a Fire Permit.
- 13.10 A Fire Permit is not required under the Bylaw for the following types of Fires:
 - 13.10.1 A Fire Pit;
 - 13.10.2 Burn Barrel or Small Incinerator single family dwelling;
 - 13.10.3 Incinerator Fire Industrial and Commercial;
 - 13.10.4 Smudge Fire;
 - 13.10.5 Flaring associated to the operation, installation, maintenance and or repair of gas related plants, wells, or gas lines;
 - 13.10.6 Enclosed wood burning or coal burning furnaces and or incinerators used for heating of dwellings or structures;
 - 13.10.7 A Fire started by the Fire Protection Department for training purposes or;
 - 13.10.8 Any Fire, which is exempted from requiring a Fire Permit under *the Forest Prairie and Protection Act* and its Regulations.
- 13.11 Every person who sets a fire under authority of a fire permit shall:
 - 13.11.1 Produce the fire permit to a Fire Guardian or a Peace Officer immediately upon request;
 - 13.11.2 Always have a responsible adult person responsible for the fire;
 - 13.11.3 Keep the fire under control;
 - 13.11.4 Extinguish the fire before the Fire Permit expires or upon cancellation of the Fire Permit;
- 13.12 Be responsible for any costs incurred by the Fire Protection Department when called upon to extinguish such fire if, in the opinion of the Manager of Protective Services or their designate, the fire is a hazard to persons or property.

14. Burn Barrel and Small Incinerator

- 14.1 Burn barrel/Small Incinerator use within the hamlet, Estate or Multi Lot Division not permitted. In accordance with Section 13.2 no burn barrel or small incinerator permit will be authorized within hamlet, Estate or Multi Lot Division boundaries.
 - 14.1.1 Exceptions are subject to approval of CAO or Designate.
- 14.2 Burn Barrels and Small Incinerator that do not meet the definition of Small Incinerator and are exempted under Environmental Protection and Enhancement Act 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-combustibles. The exemptions do not

constitute an authorization for on-site open burning of waste, prohibited debris, household hazardous waste, or any one or more of the wastes effected.

- 14.3 No person shall burn prohibited debris; Section 3.1.45 "Prohibited Debris".
- 14.4 No person shall burn any Burn Barrels or Incinerators unless they comply to the requirements of section 14.2.

15. Fire Advisory

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

16. Fire Restriction

- 16.1 The CAO, Manager of Protective Services 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.
- 16.2 A Fire Restriction imposed pursuant to Section 15.1 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 Manager of Protective Services provides notice to the public the Fire Restriction is no longer in effect.
- 16.3 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 Manager of Protective Services determined appropriate for the purpose of informing the public of the Fire Restriction.
- 16.4 When a Fire Restriction is in place, Fire permits and other unforeseen hazards may be restricted or Banned.
- 16.5 When a Fire Restriction is in place, no person shall ignite a fire, whether 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 Restriction.

17. Fire Ban

- 17.1 The Manager of Protective Services 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 Manager of Protective Services, when the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 17.2 The Manager of Protective Services or designate may from time to time prohibit OHV's from any or all public lands when in the opinion of the Manager of Protective Services or designate there is an increased fire risk or when there is a Fire Restriction and/or Fire Ban in place within the County.
- 17.3 A Fire Ban imposed pursuant to Section 16.1 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 Manager of Protective Services provides notice to the public that the Fire Ban is no longer in effect.
- 17.4 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 Manager of Protective Services.

- 17.5 When a Fire Ban is in place, no person shall ignite a fire, whether 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.

18. Burning Peat

- 18.1 An application for a Fire Permit for burning Peat must be made on or before March 31st in a given calendar year;
- 18.2 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;
- 18.3 Only one Permit will be issued per farm unit in any calendar year;
- 18.4 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;
- 18.5 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;
- 18.6 No two (2) Peat Permits will be issued unless there is a minimum four (4) mile radius between successful Peat Fire applicants;
- 18.7 No 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;
- 18.8 If more than one (1) applicant is requesting to burn within 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 of Protective Services. Each applicant will be notified of the time and date of the draw and will have the option to attend.
- 18.9 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 twelve (12) months;
- 18.10 Successful applicants will have the option to defer an approved Peat burning Permit for a period of one (1) year. If an applicant defers, another permit will be issued within that electoral division provided it meets all the criteria outlined;
- 18.11 A permit holder must provide proof of \$2,000,000.00 public liability insurance
- 18.12 A public notice will be issued annually as to the legal land location of all successful Peat burning applications.

Peat Permit Insurance:

- 18.13 Fire Permits authorizing Peat burning shall only be issued between July 1st and August 31st
- 18.14 Prior to issuing a Fire Permit for Peat burning the Manager of Protective Services 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;

- 18.15 The Manager of Protective Services 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;
- 18.16 A 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 of Protective Services. An adequate drying time of not less than two (2) years is required before Peat piles will be eligible to be burned;
- 18.17 Eligible Peat piles will not be more than seventy-five (75) feet in diameter and not more than twenty (20) feet high with a maximum of four (4) piles per permit with a distance between piles of not more than five hundred (500) feet of each other or one (1) pile not more than two hundred and fifty (250) feet long and seventy-five (75) feet wide and twenty (20) feet high;
- 18.18 Piles will have a one hundred (100) foot fireguard break between the ends and when they are running parallel to each other, a one hundred (100) foot fireguard spacing between each windrow. A one hundred (100) foot fireguard break between windrows and any un-cleared land is also required.

Enforcement:

- 18.19 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 the landowner brings equipment on site to assist with extinguishing the fire;
- 18.20 Burning with a suspended Permit or burning without permit or person that does not comply with these regulations shall be deemed to be guilty and Recovery of Costs under the Bylaw and/or the *Forest and Prairie Protection Act* Municipal Tags and Tickets Sub Section 19.1 will apply and a two (2) year suspension will be applied;
- 18.21 Burning with a suspended Permit or burning without Permit or person that does not comply with these regulations shall be deemed to be guilty and
- 18.22 Recovery of Costs under the Bylaw and/or the *Forest and Prairie Protection Act* Municipal Tags and Tickets Sub Section 19.1 will apply and a two (2) year Fire Permit suspension will be applied to the permit holder.

19. Prohibitions

- 19.1 No person shall:
 - 19.1.1 Contravene any provision of the Bylaw;
 - 19.1.2 Burn during a County imposed Fire Restriction
 - 19.1.3 Operate an OHV in a prohibited area during a fire restriction/ban,
 - 19.1.4 Burn during a County imposed Fire Ban,
 - 19.1.5 Burn without a Fire Permit,
 - 19.1.6 Fail to adhere to the conditions of a Fire Permit,
 - 19.1.7 Permit a Non-Permitted Fire within a Hamlet,
 - 19.1.8 Burn prohibited debris,

- 19.1.9 Deposit, discard or abandon any burning matter or substance to create a Fire Hazard;
- 19.1.10 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;
- 19.1.11 Impede, obstruct or hinder the Designate, Manager of Protective Services, 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;
- 19.1.12 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;
- 19.1.13 Damage or destroy Fire Protection Property;
- 19.1.14 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;
- 19.1.15 Drive a vehicle over any Fire Protection Property without the permission of the Manager of Protective Services, the Fire Chief or the Member in charge at the Incident
- 19.1.16 Obstruct or otherwise interfere with:
 - 19.1.16.1 Access to the scene of an Incident or other emergency by Protective Service Department personnel or Fire Protection Property;
 - 19.1.16.2 Access to a Fire Hydrant, cistern or other body of water designated for firefighting purposes;
 - 19.1.16.3 Access to connections to fire mains, standpipes, or sprinkler systems
- 19.1.17 Cross any boundaries or limits established by the Fire Protection Department in accordance with the Bylaw, without the express authorization of the Manager of Protective Services, the Fire Chief, or the Member in charge;
- 19.1.18 Obstruct a Member from carrying out any function or activity related to the provision of the Fire Protection:
- 19.1.19 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;
- 19.1.20 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;
- 19.1.21 Light a Fire without first taking enough precautions to ensure that the Fire can be kept under control at all times;
- 19.1.22 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;
- 19.1.23 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;
- 19.1.24 Conduct any activity that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent a Fire from occurring;

- 19.1.25 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, Manager of Protective Services or Designate.
- 19.1.26 Light a Fire on lands owned or controlled by the County except with the County's express written consent;
- 19.1.27 Light a Peat Fire not conforming to the requirements as defined in Section 17;
- 19.1.28 Light a Back-County Fire Pit not conforming to fire restriction as defined in Section 3.3;
- 19.1.29 Other than devices fueled by propane or natural gas, no person shall light or burn an Open Fire, a Small Incinerator Fire, Burn Barrel Fire, an Incinerator Fire, a Smudge Fire, a Structure Fire, or light or burn a fire in a barbecue/fire pit, or light or burn a fire within a Portable Appliance or other during a Municipal fire ban;
- 19.1.30 Fires of any type are prohibited on or within lands outside the forest protection area as Municipal Reserve, Environmental Reserve, Crownland or a Natural Area unless otherwise permitted by the County Administrator or his designate;
- 19.1.31 No person shall a light a fire and let it continue to burn if that fire causes continuous physical discomfort to any nearby property and its residents;
- 19.1.32 No person shall obstruct a Peace Officer, Fire Guardian or Westlock County Fire Department member in the performance of their duties pursuant to this Bylaw or the *Forest Prairie Protection Act* (supra). Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals;
- 19.1.33 Disposal of refuse on public land that could reasonably be expected to create a fire hazard on public land in an area or facility that is not designated for the disposal of refuse;
- 19.1.34 No person shall discharge the following in Westlock County fire protection area, unless that person has the written permission from County Administration:
 - 19.1.34.1 Discharge a firearm using tracer ammunition,
 - 19.1.34.2 Discharge a firearm using incendiary ammunition,
 - 19.1.34.3 Discharge or ignite fireworks',
 - 19.1.34.4 Shoot, ignite or detonate an exploding target,
 - 19.1.34.5 Handle or store fireworks or exploding targets in a manner that may cause them to be discharged or ignited.
- 19.1.35 No person shall ignite a flare device, or handle or store a flare device in a manner that may cause it to ignite, on public land.
- 19.1.36 No person shall operate an engine in Westlock County protection area unless the engine is equipped with one of the following in working order.
 - 19.1.36.1 A device for arresting sparks, or
 - 19.1.36.2 A muffler
- 19.1.37 No person shall allow a running or hot engine to come into contact with combustible material.
- 19.1.38 No person shall cause Nuisance False Alarm at any time

20. Offence and Penalties

- 20.1 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.
- 20.2 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.
- 20.3 A Municipal Tag may be issued to such person:
 - 20.3.1 Either personally; or
 - 20.3.2 Sending a copy by registered mail to such person to their last known post office address
- 20.4 The Municipal tag shall be in a form approved by the CAO and shall state:
 - 20.4.1 The name of person;
 - 20.4.2 The offence
 - 20.4.3 The specified penalty established by the Bylaw for the offence;
 - 20.4.4 That the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag; and
 - 20.4.5 Any other information as may be required by the CAO
- 20.5 Revenue generated from offenses and penalties will be deposited to General Revenue

21. Payment in Lieu of Prosecution

- 21.1 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

22. Violation Ticket

- 22.1 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.
- 22.2 Notwithstanding Section 21.1 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;
- 22.3 If a Violation Ticket is issued in the respect of any offence, the Violation Ticket may
 - 22.3.1 Specify the amount established by the Bylaw for the offence or;
 - 22.3.2 Require a person to appear in court without the alternative of making a voluntary payment

23. Voluntary Payment

- 23.1 A person who commits an offence may:
 - 23.1.1 If a Violation Ticket is issued in respect of the Offence and;

- 23.1.2 If the Violation Ticket specifies the fine amount established by the Bylaw for the offence;
- 23.2 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.

24. Use of Emergency Lights

- 24.1 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.
- 24.2 The authorized users of the flashing green lamps must do so in accordance with the operations guidelines established by Council.

25. Nuisance False Alarm

- 25.1 Nuisance False alarm incidents include but are not limited to:
 - 25.1.1 The testing of an alarm which results in a Fire response
 - 25.1.2 An alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment
 - 25.1.3 An alarm activated by user error
 - 25.1.4 An alarm reporting fire or an emergency occurring on or in relation to the address in which the alarm system is installed where no evidence exists or where no such event took place
 - 25.1.5 An alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failures
- 25.2 The owner of the property shall be responsible for the proper use, installation, maintenance and operation of the Fire Alarm system installed on or in the property in order to ensure the prevention of false fire alarms
- 25.3 If in any calendar year the Fire Department responds to one (1) false fire alarms originating from one fire alarm system, the Manager of Protective Services shall prepare a notice to be sent to the owner of the property in which the fire alarm system is installed advising of the occurrence of the false fire alarms and of the consequences which may arise if further false fire alarms occur.
- 25.4 If in any calendar year the Fire Department responds to two (2) or more false fire alarms originating from one fire alarm system, there shall be imposed on the owner of the property in which the fire alarm system is installed a service charge.

26. Incident Responses and Control of Fire Hazards

- 26.1 Where the County has taken any action whatsoever responding to an incident or control of fire hazard, the fire protection charge shall be:
 - 26.1.1 \$400.00 the first hour or portion thereof for a fire protection response plus;
 - 26.1.2 \$200.00 for every hour or portion thereof for fire protection property dispatched to the Incident after the first hour or hours (if applicable); plus
- 26.2 Any other costs incurred by the County as a result of the incident which do not form part of the standard costs and expenses of providing fire protection, including but not limited to contracted services, mutual aid, et cetera.

27. Incidents Involving Motor Vehicle Accidents

- 27.1 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, the fire protection charge shall be:
 - 27.1.1 \$400.00 the first hour or portion thereof for a fire protection response plus;
 - 27.1.2 \$200.00 for every hour thereafter or portion thereof for fire protection property dispatched to the incident after the first hours or hours (if applicable) plus;
 - 27.1.3 Any other costs incurred by the County as a result of the incident which do not form part of the standard costs and expenses of providing fire protection, including but not limited to contracted services, mutual aid, et cetera.
- 27.2 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 Provincial highways and for wildfire on Crown Land or the Forest Protection Area, the fire protection charge shall be:
 - 27.2.1 In accordance with Alberta Infrastructure and Transportation Policy TCE-DC-501, as amended or repealed and replaced from time to time.
- 27.3 Where the County has taken any action responding to an incident resulting from a mutual aid request, the fire protection fee shall be as outlined and established in the mutual aid agreement, or, in the circumstance whereby the charge is of value to be less than \$3000.00 the charge may be waived.

28. Repeal

Bylaw No. 01-2019 is hereby repealed

This Bylaw shall come into force and effect upon third and final reading.

READ A FIRST TIME THIS 14TH DAY OF APRIL, 2020.

Reeve

Original signed and on file

Chief Administrative Officer

READ A SECOND TIME THIS 14TH DAY OF APRIL, 2020.

Reeve
Original signed and on file

Chief Administrative Officer

READ A THIRD TIME AND PASSED THIS 28TH DAY OF APRIL, 2020.

Reeve
Original signed and on file

Chief Administrative Officer

Schedule "A"

Penalties and Fines

BURNING IN CONTRAVENTION OF FIRE BANS/FIRE ADVISORY		
Sect 19.1.2	Burning during a County imposed Fire Restriction	\$500.00
Sect 19.1.3	Operating an OHV in a prohibited area during a fire restriction/ban	\$500.00
Sect 19.1.4	Burning during a County imposed Fire Ban	\$500.00
BURNING INFRACTIONS (Fire Permit / Burn Barrel [Fire Pit])		
Sect 19.1.5	Burning without a Fire Permit	\$500.00
Sect 19.1.6	Failure to adhere to the conditions of a Fire Permit	\$500.00
Sect 19.1.7	Non-Permitted Fire within a Hamlet	\$300.00
Sect 14.1	Burning using a Burn Barrel within Hamlet boundaries	\$300.00
Sect 14.2	Non-Compliant Burn Barrel	\$300.00
Sect 19.1.8	No person shall burn prohibited debris	\$500.00
Sect 3.22	Burning using a non-compliant Fire Pit	\$300.00
BURNING OFFENCES (Other)		
Sect.19.1.19	Allow a Fire to be lit	\$300.00
Sect 19.1.9	Deposit, discard or abandon any burning matter creating Fire Hazard	\$300.00
Sect 19.1.26	Lighting a Fire on County Lands without written permission	\$300.00
Sect 19.1.20	Let a Fire become a Running Fire onto adjoining properties	\$600.00
Sect 19.1.21	Lighting a Fire without taking enough precautions for a controlled Fire	\$300.00
Sect 19.1.23	Failure to take reasonable steps to control Fire	\$300.00
Sect 19.1.24	Conduct fire risk activities without the necessary precautions in place	\$500.00
Sect 19.1.25	Fire that impeded visibility (vehicles /pedestrians)	\$500.00
Sect 3.45	Fire that produces dense black / noxious /toxic smoke due to type of combustibles used	\$500.00
Sect 19.1.13	Damage or Destroy Fire Protection Property	\$500.00
Sect 19.1.15	Drive a vehicle over Fire Protection Property without permission of a Member in charge at an Incident	\$500.00
Sect 19.1.27	Non-Compliant Peat burning	\$5,000.00 With a two-year fire permit suspension
FALSE REPRESENTATION		

Sect 19.1.10	Provide false, incomplete or misleading information to a Fire Guardian or a member of the Fire Protection Department with respect to a Fire or a Fire Permit application	\$500.00
Sect 19.1.14	Falsely represent himself as a Member or wear /display County Emergency Services Department issued clothing /paraphernalia	\$500.00
OBSTRUCTION INTERFERENCE		
Sect 19.1.12	Impede/ Obstruct/ Hinder a Fire Guardian, Peace Officer or person involved in the inspection, investigation or enforcement of Fire Protection matters	\$500.00
Sect 19.1.11	Obstructing or Interfering with the duties of a Member acting on direction of an Incident Commander	\$300.00
Sect 19.1.18	Obstruct a Member from carrying out any function or activity related to the provision of Fire Protection	\$300.00
Sect 19.1.16 (1), (2), (3)	Obstruct/ Interfere with access to the scene, water sources and fire suppressions sources	\$300.00
Sect 19.1.17	Cross any boundary or limit set by Fire Protection Department	\$400.00
Sect 19.1.34 to 19.1.35	No person shall discharge the following in Westlock County Fire Protection area, unless that person has the written permission form County administration	\$600.00
Sect 19.1.36	No person shall operate an engine in Westlock County protection area unless the engine is equipped.	\$600.00
Sect 25.1 to 25.4	No person shall cause "Nuisance False Alarm" at anytime Offences within one year 1 st Written warning 2 nd 3 rd Subsequent alarms double	 \$50.00 \$400.00 \$600.00
SECOND OFFENCES WITHIN ONE YEAR		
	Part 2 (Summons) Violation Ticket with a <u>specified penalty</u> (double the initial fine) that includes a mandatory Court Appearance at a Provincial Court	Double the initial Fine
ALL SUBSEQUENT OFFENCES		
	Part 2 (Summons) Violation ticket with an unspecified penalty that includes a mandatory Court Appearance at a Provincial Co	Fine to be set by Court