

BEING A BYLAW OF THE SUMMER VILLAGE OF GULL LAKE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF LIFE AND PROPERTY WITHIN THE MUNICIPALITY

WHEREAS: the Municipal Government Act, s. 7(a) provides that a Council of a Municipality may pass Bylaws for the safety, health and welfare of people and the protection of people and property

NOW THEREFORE: the Council of the Summer Village of Gull Lake in the Province of Alberta duly assembled enacts as follows:

NAME OF BYLAW

1.1 This Bylaw may be cited as “The Summer Village of Gull Lake Fire Protection Bylaw”

DEFINITIONS

2.1 In this Bylaw:

- a. “Apparatus” shall mean any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies
- b. “Attending Fire Chief” shall mean the highest ranking Member present at an Incident.
- c. “Chief Administrative Officer” shall mean the Chief Administrative Officer of the Summer Village of Gull Lake appointed under Bylaw No. 317, or designated delegate
- d. “County” shall mean Lacombe County
- e. “Emergency” shall mean a present or imminent event that requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property
- f. “Enforcement Officer” shall mean a Peace Officer, Lacombe County Enforcement Officer or person appointed by the Council of the Summer Village of Gull Lake to enforce the provisions of this Bylaw
- g. “Equipment” shall mean any tools, contrivances, devices or materials used by the County Fire Department to combat an incident or other emergency
- h. “False Alarm” shall mean any fire alarm that is set needlessly, through willful or accidental, human or mechanical error, and to which the County Fire Department responds
- i. “Fire Protection” shall mean all aspects of fire safety including, but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and

advising

- j. "Illegal Fire" shall mean any fire that is set in contravention of this Bylaw
- k. "Incident" shall mean a fire, a situation where a fire or explosion is imminent or any other situation presenting a fire or possible danger to a life or property and to which the County Fire Department has responded
- l. "Inspection Officer" shall mean an Enforcement Officer or any Member directed to undertake inspections
- m. "Member" shall mean personnel furnished by the County for the suppression and control of the Incident
- n. "*Municipal Government Act*" shall mean the Municipal Government Act. S.A. 1994 c. M-26.1 and any amendments thereto
- o. "Qualified Personnel" shall mean a person in possession of a Fireworks Supervisor Card issued pursuant to the *Explosives Act* (Canada) and the *Alberta Fire Code* A.R. 52/98 and their regulations
- p. "Village" shall mean the Summer Village of Gull Lake.

FIRE PROTECTION SERVICES

- 3.1 The Lacombe County will provide fire protection service to the Summer Village of Gull Lake pursuant to the Agreement between the County and the Village dated November 4, 1991.

Response to an incident in the Village will normally be made by the Bentley Volunteer Fire Department.

POWERS OF ATTENDING FIRE CHIEF AT INCIDENTS

- 4.1 The attending Fire Chief shall have control, direction and management of any County apparatus or members responding to an incident and shall continue to act until relieved by an officer authorized to do so.
- 4.2 The attending Fire Chief shall be responsible to direct and manage the operations necessary as reasonably can be expected for a volunteer fire department for the extinguishing or controlling of an incident, or the operations to preserve life and property.
- 4.3 The attending Fire Chief is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.4 The attending Fire Chief is empowered to enter premises or property without a permit or written permission where an incident is occurring and to cause any Member or apparatus to enter without a permit or written permission, as the attending Fire Chief deems necessary.

- 4.5 The attending Fire Chief is empowered to enter, pass through or over buildings or property adjacent to the incident and to cause Members and apparatus to enter or pass through or over the building or property without a permit or written permission, where the attending Fire Chief deems it necessary to gain access to the incident or to protect any persons or property.
- 4.6 The attending Fire Chief may, at his discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the attending Fire Chief. No person shall enter the boundaries or limits of an area unless he has been authorized to enter by the attending Fire Chief.
- 4.7 The attending Fire Chief may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in clause 4.6.
- 4.8 The attending Fire Chief may require any able-bodied adult person who is not a Member, to assist in:
 - a. extinguishing a fire or preventing the spread thereof;
 - b. removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and
 - c. demolishing a building or structure at or near the fire or other incident.
- 4.9 The attending Fire Chief is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident and authorize payment for the possession of said equipment.

CONTROL OF FIRE HAZARDS

- 5.1 Inspection Officers shall be given access at reasonable hours to both public and private property for the purpose of inspecting the premises to ascertain whether there constitutes or is likely to constitute a fire hazard.
- 5.2 If in the opinion of the Inspection Officer, a structure, excavation or hole is dangerous to public safety, the Inspection Officer shall advise the Chief Administrative Officer who may act pursuant to the *Municipal Government Act*. s. 546.01.

REQUIREMENT TO REPORT

- 6.1 The owner or authorized agent of any property damaged by fire, shall immediately report to the Bentley Volunteer Fire Department particulars about the fire which are satisfactory to the Fire Chief.
- 6.2 The owner or authorized agent of any property containing dangerous goods shall immediately report to the Bentley Volunteer Fire Department the particulars regarding any accidental or unauthorized release of such dangerous goods.

OPEN FIRES

- 7.1 Except where provided following, no person shall cause an open fire to be ignited or allow an open fire to continue burning.
- 7.2 An open fire may be permitted, upon receipt of a permit in a form similar to Schedule A under this Bylaw and approved under Section 8 for the burning of one or a combination of wood, coal and straw to thaw frozen ground for excavation related to construction including the digging of utility and service trenches.
- 7.3 An open fire required by the Village's employees in performance of their assigned duties will not require a permit under Section 9.

FIRE PERMITS

- 8.1 An application for a fire permit shall be made in writing to the Bentley Volunteer Fire Department's Fire Chief ("Bentley Fire Chief") or his designate.
- 8.2 Upon receipt of an application for a permit, the Bentley Fire Chief shall consider the permit application, and may, pursuant to the provisions of this Bylaw and the Safety Codes Act and its Regulations:
 - a. refuse to grant a permit;
 - b. issue the permit unconditionally
 - c. issue the permit with conditions considered appropriate.
- 8.3 Fire permits issued pursuant to this Bylaw, are valid for such period of time as shall be determined by the Bentley Fire Chief, and the fire permit shall have endorsed the period of time for which the permit is valid.

- 8.4 A fire permit issued under this Bylaw, may be repealed at any time by the Bentley Fire Chief.
- 8.5 A fire permit shall not be transferable.
- 8.6 A person to whom a fire permit has been issued under clause 8.2 shall at all times keep a competent person in charge of the fire, and shall barricade or otherwise secure the area, to limit the entry of any unauthorized person.
- 8.7 The permit fee shall be as set out in Schedule B and shall be paid upon approval of the permit application.

PERMIT APPLICATIONS

- 9.1 Each application for an fire permit must contain the following information:
- a. the name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set a fire;
 - b. the legal and municipal description of the land on which the applicant proposes to set a fire;
 - c. the period of time for which the permit is required;
 - d. the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - e. the signature of the applicant;
 - f. the written consent to the proposed fire by the owner of the land (if different than the applicant).

FIRE PITS, OUTDOOR FIREPLACES, AND STATIONARY & PORTABLE BARBECUES

- 10.1 For the enjoyment of dwelling residents use of fire pits, outdoor fireplaces and stationary barbeques may be permitted.
- 10.2 Fire pits and outdoor fireplaces shall:
- a. be located in a yard with a minimum of 4.5 meters (15 feet) clearance from buildings, property lines and combustible materials, or as approved by the Bentley Fire Chief;
 - b. be constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components;
 - c. be the sole responsibility of the owner or tenant of the property;
 - d. be supervised at all times by a responsible adult person over the age of eighteen (18) until such time as the fire has been completely extinguished. For the purpose of this clause, a fire shall be deemed to include any hot ashes and smoldering embers resulting from the fire;
 - e. only burn wood,
 - f. have flames no higher than one (1) meter (3.28 feet) above the fire pit or the fire box.

- 10.3 Stationary barbeques shall:
- a. be constructed of suitable non-combustible components;
 - b. be the sole responsibility of the owner or tenant of the property;
 - c. only burn charcoal briquettes, propane or natural gas;
 - d. have flames no higher than thirty (30) cm (1.0 feet) above the barbeque fire box

FIREWORKS

- 11.1 Subject to the exceptions set out following, no person shall discharge any fireworks within the corporate limits of the Village.
- 11.2 The Village authorizes the Bentley Fire Chief (or designate) that upon written application, he may permit qualified personnel to ignite fireworks and conduct fireworks displays. The Bentley Fire Chief may impose at his

sole discretion such conditions and restrictions on their use and display as may be appropriate. Such conditions and restrictions might address:

- a. hours of the day days of the week
- b. length of display
- c. height of display and type of fireworks used
- d. geographic location requirements for notification of affected residents safety

11.3 All fireworks shall be stored, used and ignited in accordance with provisions of the *Explosives Act* (Canada) and *Alberta Fire Code* A.R. 52/98 and their regulations and in accordance with those conditions determined solely by the Bentley Fire Chief.

11.4 No person shall be permitted to sell fireworks within the Village.

FIRE BANS

12.1 A Fire Ban may be implemented from time to time depending on weather conditions and the amount of dry vegetation in the Village.

12.2 The Chief Administrative Officer of the Village is granted authority to implement and lift Fire Bans for the Summer Village of Gull Lake. A change in Fire Ban status is at the Chief Administration Officer's sole discretion and would generally be based upon consultation with any of the Councillors, the Bentley Volunteer Fire Department, Lacombe County, and/or Public Works Foreman.

12.3 No open fires, fires in fire pits or fires in outdoor fireplaces are allowed within the Village while a Fire Ban is in place. Only stationary and portable barbeques that burn propane or natural gas are allowed while a Fire Ban is in effect.

12.4 Signs indicating that a Fire Ban is in effect will be posted by Village personnel at the five main entrances to the Village while the Fire Ban is activated.

ILLEGAL FIRE

13.1 Any Member, Peace Officer or Employee of the Village may extinguish an illegal fire using whatever apparatus or procedure that the Member may deem appropriate or necessary to extinguish an illegal fire.

13.2 The costs of controlling or extinguishing any illegal fire shall be recovered from the person causing the illegal fire under the provisions of the *Municipal Government Act*.

RECOVERY OF COSTS

14.1 All costs and expenses incurred by the Village related to the extinguishing of fire or responding to a fire call, false alarm or incident for the purpose of preserving life or property from injury or destruction by fire or other incident on land; including but not restricted to charges levied by the responding fire department and charges levied for fire inspections, shall be charged to the owner of the parcel of land on which the fire occurred or in respect of which the action was taken.

14.2 Upon receipt of invoices for costs and expenses, the Village shall invoice the

appropriate owner.

- 14.3 Any amount unpaid after 30 days from date of mailing of the invoice shall be added to the tax roll of the parcel of land and
- a. shall be deemed for all purposes to be a tax imposed from the date it was added to the tax roll; and
 - b. shall form a special lien against the parcel of land in favour of the municipality from the date it was added to the tax roll

OFFENCES

15.1 No person shall:

- a. cause any fire in the Summer Village of Gull Lake contrary to any provisions of this Bylaw; or
- b. provide false, incomplete or misleading information to the Bentley Volunteer Fire Department on or with respect to an incident, fire or fire related information; or
- c. interfere with the efforts of any persons authorized to extinguish fires or preserve life or property or in the carrying out of other duties imposed by this Bylaw; or
- d. at an incident, impede, obstruct or hinder a member or other person assisting or acting under the direction of the attending Fire Chief; or
- e. at an incident, drive a vehicle over any apparatus without the permission of the attending Fire Chief; or
- f. impede, obstruct or hinder a Member from carrying out duties imposed by this Bylaw; or
- g. burn or be responsible for the burning of any garbage or refuse except as provided in this Bylaw or any other Bylaw of the Village; or
- h. allow any fire to give off dense smoke or any offensive odor in a manner which creates nuisance to neighboring persons and property; or
- i. allow any fire to burn out of control so as to threaten or cause damage to adjacent property; or
- j. light an open fire or a structure fire; or
- k. fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than his own; or
- l. deposit, discard or leave any burning matter or substance in a place where it

might ignite other matter and result in a fire.

PENALTIES

- 16.1 A person who contravenes or fails to comply with any conditions in a Permit or with any order or request directed to him pursuant to this Bylaw, is guilty of an offence and liable to a fine of not less than \$100.00 and not more than \$1,000.00.
- 16.2 An Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 16.3 A Violation Ticket as set out in Schedule C may be issued to such person either personally or by mailing a copy to such person at his last known post office address.
- The Violation Ticket shall state:
- a. the name of the person;
 - b. the offence;
 - c. the appropriate penalty for the offence as specified in the Bylaw;
 - d. that the penalty shall be paid within fourteen (14) days of the issuance of the Violation Ticket; and
 - e. any other information as may be required by the Village.
- 16.4 Where a contravention of the Bylaw is of a continuing nature, further Violation Tickets may be issued by the Enforcement Officer, provided that no more than one Violation Ticket shall be issued for each day that the contravention continues.
- 16.5 If the penalty specified on a Violation Ticket is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act, S.A., 1989, c. P-21.5, as amended.
- 16.6 Nothing in this Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

LIABILITY

- 17.1 A Member charged with the enforcement of this Bylaw, acting in good faith and without malice for the Village in the discharge of the Member's duties, shall not hereby render the Member personally liable and the Member is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of the Member's duties.

SCHEDULES

- 18.1 Schedule A (Fire Permit) as attached shall form part of this Bylaw.
- 18.2 Schedule B (Permit Fee) as attached shall form part of this Bylaw.
- 18.3 Schedule C (Violation Ticket) as attached shall form part of this Bylaw.

SEVERABILITY

19.1 Should any section or part of this Bylaw be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

REPEALED

20.1 Bylaw No.303, the Fireworks Bylaw is hereby repealed.

PASSAGE OF BYLAW

21.1 This Bylaw shall come into effect upon passage of 3rd Reading.

GIVEN FIRST READING this _21_ day of _May____, 2004._____

GIVEN SECOND READING this _28____ day of _May____, 2004.

GIVEN THIRD AND FINAL READING this _28__ day of _May___. 2004

Mayor

Chief Administrative Officer

SCHEDULE A – Fire Permit for Open Fires
SCHEDULE B – Permit Fees
SCHEDULE C - Violation Ticket