

BYLAW 2013-08

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH REGULATIONS RELATED TO FIRE PROTECTION SERVICES**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

1: TITLE

1.1. This bylaw shall be known as the "Fire Bylaw."

2: INTERPRETATION

2.1. In this bylaw:

"apparatus" means any vehicle, machinery or equipment used for fire protection services, including any vehicle used for transporting members or fire protection supplies;

"equipment" means any tools, devices, or materials used by members to carry out any function or activity related to fire protection;

"fire ban" means any order from the Province of Alberta or the fire chief which prohibits outdoor fires within town limits;

"fire chief" means the person filling the role of the fire chief for the town, who performs the duties and responsibilities of fire chief, or his designate;

"fire pit" means any container or enclosure used to burn material outdoors, but does not include a barbecue or any device fueled only by natural gas or propane;

"fireplace" means an enclosed and permanently affixed fire receptacle that is used to burn material outdoors and that incorporates a permanently affixed chimney or flue;

"incident" means any situation to which a member has responded due to danger or possible danger to the safety, health and welfare of people, property, or the environment;

"member" means any employee of the Town of Canmore Fire-Rescue Department;

"peace officer" means a bylaw enforcement officer appointed by the chief administrative officer to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a peace officer under the Peace Officer Act.

"violation tag" means a municipal tag or similar document issued by a peace officer in relation to an offence under this bylaw;

"violation ticket" means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder.

2.2. Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name by which the staff position, department or committee is known by.

3. OUTDOOR FIRES

3.1 No person shall build, ignite, cause, or allow an outdoor fire unless one of the following conditions exists:

- a) the person has been issued a permit in accordance with this bylaw;
- b) the fire is contained on private property in fire pit or fireplace that meets the requirements of this bylaw;
- c) the fire is contained in a barbecue or in a device fueled by natural gas or propane; or
- d) the fire is contained in a device explicitly provided for such use in a campground.

3.2 A person may build, ignite, or allow an outdoor fire in a fire pit only if:

- a) it is located at least 2 metres, measured from the nearest edge of the fire pit, from any building or combustible material;
- b) the sides are fully enclosed and constructed from a non-combustible material;
- c) it is set upon or built into the bare ground or set upon a non-combustible material;
- d) it is not located directly under any tree or overhanging branches;
- e) the opening of the fire pit is:
 - i) no more than 1 meter across, and
 - ii) no more than 60 centimetres above the surrounding surface grade.

3.3 A person may build, ignite, or allow an outdoor fire in a fireplace as long as that person complies with sections 3.4, 3.5 and 3.6 of this bylaw.

3.4 Every person who builds, ignites or allows an outdoor fire in a fire pit, fireplace, or a device explicitly provided for such use in a campground must ensure that:

- a) the fire is attended continuously by at least one person 14 years of age or older;
- b) a means of extinguishing the fire is immediately available at all times while the fire is burning;
- c) the fire is fully contained within the fire pit, fireplace, or device explicitly provided for such use in a campground at all times;

- d) the flames do not exceed 1 metre in height at any time; and
- e) once the fire is no longer being attended, it is extinguished completely to the point that no heat is radiating from the fire, charcoal, ashes or remains.

3.5 No person shall build, ignite or allow an outdoor fire in a fire pit or fireplace between the hours of 1 a.m. and 10 a.m. other than in a dedicated campsite, which is restricted between the hours of 1 a.m. and 5 a.m.

3.7 Unless the person has been issued a permit in accordance with this bylaw, which authorizes the burning of one or more of the following materials no person shall burn, at any time, on any property, the following materials:

- a) treated or painted lumber;
- b) lumber products containing glue or resins;
- c) wet wood;
- d) leaves, brush or yard waste;
- e) garbage; and
- f) rubber, tires or plastic, or any other materials that in the opinion of a member of peace officer is emitting noxious odours, visible particulates or toxins, other than smoke.

3.8 No person shall throw, place or leave upon the ground any burning material or substance.

3.9 No person shall permit, suffer or allow property under their ownership or control to be used in any manner that contravenes this bylaw.

4 FIREWORKS

4.1 No person shall offer fireworks for sale.

4.2 No person shall discharge fireworks unless the person has been issued a permit in accordance with this bylaw.

5 FIRE PERMITS

5.1 The fire chief is authorized to issue permits for:

- a) outdoor fires, and
- b) the discharging of fireworks.

5.2 The fire chief shall determine the terms and conditions of any permit issued pursuant to this bylaw.

- 5.3 A person to whom a permit has been issued pursuant to this bylaw shall comply with any terms or conditions forming part of the permit.
- 5.4 A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- 5.5 If any term or condition of a permit issued pursuant to this bylaw is contravened, or if a false or misleading statement or false or misleading information was provide to obtain the permit, the fire chief may immediately cancel the permit.

6 FIRE BANS

- 6.1 The fire chief is authorized to issue fire bans, and to determine the terms and conditions of those fire bans.
- 6.2 A fire ban shall be in effect from the time it is issued until such time as the fire chief gives notice to the public that it has been lifted.
- 6.3 When a fire ban is in effect, no person shall build, ignite, cause or allow an outdoor fire, or cause or allow a fire to be ignited on property under his control in the area affected by the fire ban.
- 6.4 Notwithstanding section 6.3, a person may build, ignite, cause or allow an outdoor fire if the fire is contained in a barbeque or in a device fueled by natural gas or propane, unless specifically stated in the fire ban.
- 6.5 Any permits issued pursuant to this bylaw for property located in an area affected by a fire ban shall be suspended for the duration of the fire ban.

7 FIRE PROTECTION FEES

- 7.1 The chief administrative officer may charge fees in accordance with the Town's master fee schedule to any person requesting or requiring a service described in that schedule.
- 7.2 Where the Town has extinguished a fire or responded to a fire call or incident within or outside the Town for the purpose of preserving life or property from injury or destruction by fire or other incident, including any such action taken by the Town on a false alarm, the chief administrative officer may, in respect of any costs related to or incurred by the Town in taking such action, charge any costs so incurred by the Town to:
 - a) The person who caused the incident;
 - b) The owner of the property or the person in possession and control of the property where the incident occurred; or

- c) The person in possession and control of the property if the location of the incident is not privately owned land.

7.3 In respect of the fees or charges required to be paid under this bylaw:

- a) the Town may recover such fees or charges as a debt due and owing to the Town;
- b) in the case of action taken by the Town and where permitted under the *Municipal Government Act*, such fees or charges may be charged against the land as taxes due and owing in respect of that land.

8 INTERFERENCE WITH FIREFIGHTING ACTIVITIES OR EQUIPMENT

- 8.1 No person shall impede, obstruct, or hinder a member or any other person acting under the direction of the member in charge of any incident, while that person is in the performance or execution of their duties.
- 8.2 No person shall damage or destroy apparatus or equipment.
- 8.3 No person shall drive a vehicle over any apparatus or equipment unless authorized to do so by the member in charge at the incident for which the apparatus or equipment is being used.
- 8.4 No person shall cross the boundary or limit of an area designated by the member in charge at an incident unless authorized to do so by the member in charge.
- 8.5 No person shall falsely represent themselves as a member.
- 8.6 No person shall obstruct or otherwise interfere with access, any connection provided to or approaches to any fire alarm, fire hydrant, emergency access, fire main, stand pipe, sprinkler, cistern, or body of water designated for firefighting purposes.

9 AUTHORITY

- 9.1 The fire chief may delegate any responsibilities under this bylaw.
- 9.2 The fire chief shall perform such functions and have such powers and responsibilities as the chief administrative officer may prescribe from time to time.
- 9.3 The fire chief or any other member is empowered to enter on any land or premises, including adjacent land or premises, to combat, control, or deal with an incident in whatever manner is deemed necessary.
- 9.3 The limits of jurisdiction of the Canmore Fire-Rescue Department shall extend to the boundaries of the municipality, any areas beyond the boundaries of the municipality where provided by the express authorization of a written agreement with another municipality, and any areas beyond the boundaries of the municipality where provided by a mutual aid agreement or by the express authorization of the chief administrative officer.

10 ENFORCEMENT AND PENALTIES

- 10.1. Any person who contravenes any provision of this bylaw is guilty of an offence and shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.
- 10.2. Any person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of if this bylaw is liable to a minimum penalty of \$250.00.
- 10.3. A peace officer is hereby authorized and empowered to issue a violation tag to any person, who a peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 10.4. A violation tag may be issued to such person:
 - a) either personally; or
 - b) by mailing a copy to such person at their last known address.
- 10.5. The person to whom a violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.
- 10.6. Nothing in this Bylaw shall prevent a peace officer from immediately issuing a violation ticket.
- 10.7. If the penalty specified on a violation tag 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 Procedures Act*, as amended.
- 10.8. Notwithstanding Section 10.7 of this bylaw, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedures Act*, as amended, to any person who a peace officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 10.9. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

11 ENACTMENT/TRANSITION


- 11.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 11.2 Schedule A forms part of this bylaw.
- 11.3 Bylaw 2001-30 is repealed.
- 11.4 This bylaw comes into force on the date it is passed.

FIRST READING: July 2, 2013

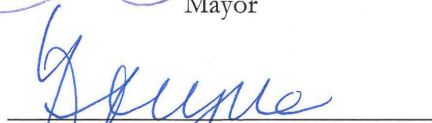
SECOND READING: July 2, 2013

THIRD READING: July 2, 2013

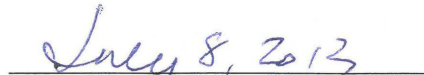
Approved on behalf of the Town of Canmore:



John Borrowman
Mayor



Cheryl Hyde
Municipal Clerk



Date



Date

Schedule A – Minimum Penalties

Section	Offence	Minimum Penalty
6.3	Fail to comply with fire ban	\$2,000.00
8.1	Impede, obstruct, or hinder a member performing duties at an incident	\$600.00
8.2	Damage or destroy apparatus or equipment	\$2000.00
8.6	Obstruct access or connections to fire alarms and water supplies	\$600.00