



**BYLAW NO. 12-2021
Fire Protection
Town of High Prairie**

A Bylaw of the Town of High Prairie in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* (MGA) for the establishment and operation of fire protection services for the Town of High Prairie.

WHEREAS, Section 3 of the MGA states that the purposes of a municipality include providing services that are in the opinion of Council necessary or desirable for the municipality and developing and maintaining safe and viable communities; and

WHEREAS, Section 7 of the MGA, allows a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and bylaws respecting services provided by the municipality; and

WHEREAS, according to Section 8(a) of the MGA, Council may in a bylaw regulate or prohibit; and

WHEREAS, the Council of the Town of High Prairie wishes to establish a Fire Department to provide for the provision of fire protection and emergency services for the public of High Prairie;

NOW THEREFORE, the Council of the Town of High Prairie enacts as follows:

1. TITLE

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

2. DEFINITIONS

2.1 In this Bylaw:

- a) "**CAO**" means the Chief Administrative Officer or designate, appointed pursuant to the MGA;
- b) "**Council**" means the Council of the Town;
- c) "**Dangerous Goods**" means any material or substance that may constitute an immediate or long term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment, and includes those products, substances and organisms covered by any applicable legislation dealing with the transportation of dangerous goods;
- d) "**Emergency Unit**" means any vehicle operated for emergency purposes by the Fire Department, whether on land, water, or by air;
- e) "**Equipment**" means any tools, contrivances, devices, or materials used by the Fire Department to respond to an Incident, used in any other emergency, or used to carry out approved programs in non-emergency situations;

- f) **"Fire Chief"** means the person appointed by the CAO as head of the Fire Department, or his or her designate;
- g) **"Fire Department"** means the High Prairie Volunteer Fire Department as established and organized for the Town, all persons appointed to, recruited to the various positions prescribed herein, all Equipment, materials and supplies used in the operation, maintenance, and administration of the Fire Department, including fire stations;
- h) **"Fire Pit"** means any fire containing device or installation intended for outdoor use for the purposes of setting a recreational fire in a residential area of the Town and shall meet the specifications and be approved for use in accordance with this Bylaw;
- i) **"Fire Protection"** means all aspects of the fire safety approved by Council, but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and training for emergency preparedness;
- j) **"Fire Pit Permit Application"** means an application in writing in the form set out in Appendix "B" herein, and such other information as may be required by the Fire Department;
- k) **"Fire Permit Application"** means an application in writing in the form set out in Appendix "C" herein, and such other information as may be required by the Fire Department;
- l) **"Permit"** means a special written consent form issued by the Fire Chief, approving the specifications of a Fire Pit or allowing for the setting of Smudge Fires or Open Burning within the Town;
- m) **"Fire Sky Lanterns"** means a small hot air balloon made of paper/plastic materials with an opening at the bottom where a small fire is suspended and released to float/drift unrestricted;
- n) **"Green Flashing Lights"** means a lamp that produces intermittent flashes of green light and may be used by a Member in a personal vehicle for responding to the Fire Department or Incident as per Section 28 of the *Vehicle Equipment Regulation, AR 122/2009*;
- o) **"Incident"** means a fire, or a situation where a fire or explosion is imminent, or any other situation presenting a danger to life or property and to which the Fire Department has responded;
- p) **"Incident Commander"** means the Fire Chief, or a Member appointed by the Fire Chief to be in charge of and direct Fire Department responses to Incidents for any given shift or for any particular Incident;
- q) **"Member"** means any person that is a duly appointed member of the Fire Department, including those persons conscripted by the Fire Chief at an Incident;

- r) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*;
- s) **"Officer"** means:
- i. a person who is an employee of the Town who has been appointed to carry out the duties of enforcing the Bylaws,
 - ii. a person who is a community peace officer as defined under the *Peace Officer Act, Statutes of Alberta 2006, Chapter P-3.5* who is employed by the Town, or
 - iii. a person who is a member of the Royal Canadian Mounted Police;
- t) **"Open Burning"** means any fire which is not contained in an enclosed container or stove;
- u) **"Owner"** means:
- i. a Person as registered on the Land Title of a property; or
 - ii. a Person in possession of a property under a lease, license, or permit.
- v) **"Person"** means an individual and includes partnership, corporation, trustee, executor, joint venture, proprietorship, association, society and any other legal entity;
- w) **"Pit Fire"** means a fire which is totally confined within a structure or container that has been approved for use according to this Bylaw;
- x) **"Portable Appliance"** means any appliance sold or constructed for the purpose of cooking food or providing heat outdoors, normally fueled by liquefied petroleum gas (LPG), natural gas, compressed briquettes, or charcoal;
- y) **"Property"** means land, building or structure;
- z) **"Prohibited debris"** means any inflammable waste that, when burned, may result in the release to the atmosphere dense smoke, offensive odours or toxic substances as defined in any applicable statutes and bylaws, including but not limited to:
- i. Animal cadavers;
 - ii. Non-wooden material;
 - iii. Tires;
 - iv. Rubber or plastic, or anything containing or coated with rubber or plastic;
 - v. Used oil;
 - vi. Wood or wood products containing substances for the purpose of preserving wood;
 - vii. Household refuse
 - viii. Straw, stubble, grass and/or weeds;

- ix. Leaves or tree pruning;
 - x. Wooden and/or waste material from the construction and/or demolition of buildings or construction sites;
 - xi. Combustible material in vehicle bodies, tires and/or oil from combustible engines;
- aa) **"Public Park Site Fire"** means a fire on land owned or leased by the Town or its agents for recreational purposes and is confined to a non-combustible container supplied by the Town or a Portable Appliance. Such fire may only be fueled with seasoned wood, charcoal, coal, natural gas, or propane;
- bb) **"Running Fire"** means a fire burning without being under the proper or any control of any Persons;
- cc) **"Smudge Fire"** means a slow-burning, smoke-producing fire used to eliminate flying insects;
- dd) **"Town"** means the Town of High Prairie; and
- ee) **"Violation Tag"** means a ticket issued by the Town pursuant to the MGA for breach of its Bylaws; and
- ff) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34*.

3. GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

4. FIRE DEPARTMENT

- 4.1 The Council does hereby establish a Fire Department for the purpose of:
- a) Fire prevention;
 - b) Extinguishing fires;
 - c) Investigating the cause of fires;
 - d) Preserving life and property and protecting persons and property from injury;
 - e) Providing rescue services;
 - f) Purchasing and operating Equipment and Emergency Units for extinguishing fires or preserving life and property; and
 - g) Entering into agreements with other municipalities or businesses, persons for the joint use, control, and management of fire extinguishing Equipment, such as Section 3 – Fire Protection, of the Inter-Municipal Agreement between the Town of High Prairie and Big Lakes County.
- 4.2 The Name of the association shall be “High Prairie Volunteer Fire Department”.
- 4.3 The Fire Department is hereby authorized to control and mitigate incidents involving the *Dangerous Goods Transportation and Handling Act Revised Statutes of Alberta 2000, Chapter D-4 and Regulations*.
- 4.4 The Fire Department shall consist of a Fire Chief, Members, buildings, Equipment, and other equipment as is deemed necessary by Council to safeguard the safety, health, and welfare of the people and to protect the people, property and environment.
- 4.5 The Fire Department recruits shall be nominated and voted on by the membership after successful completion of the recruitment process.
- 4.6 Regulations, rules, or policies made pursuant to this Bylaw shall be consistent with the legislation and regulations of the Province of Alberta.

5. FIRE CHIEF

- 5.1 The Fire Chief shall be appointed by the CAO.
- 5.2 The Fire Chief, subject to Town policy, shall have complete and full authority over the Fire Department, its Members, its organization, and administration.
- 5.3 The Fire Chief has responsibility and authority over the Members, subject to the direction of the CAO to whom he/she is accountable. The Fire Chief will carry out Fire Protection activities and other fire related duties to the best of the financial and human resource’s ability of the Town.

- 5.4 The Fire Chief shall have control, direction and management of any Member and Equipment assigned to an Incident and where a Member is in charge as appointed by the Fire Chief, he/she shall continue to act until relieved by the Fire Chief or an Officer authorized to do so.
- 5.5 The Fire Chief shall be notified of all application of building and occupancy permits prior to the permit being issued.
- 5.6 The Fire Chief shall be responsible for the enforcement of the *Safety Codes Act, Revised Statutes of Alberta 2000, Chapter S-1*.
- 5.7 During an Incident, the Fire Chief or Incident Commander may:
- a) Enter Property where an Incident exists and to cause any Member or Equipment to enter the Property, as deemed necessary, to control, combat or manage an Incident;
 - b) Cause a building, structure, or thing to be pulled down, demolished or otherwise removed if he/she deems it necessary, to combat, control or deal with an Incident;
 - c) Order the evacuation of persons and/or establish boundaries or limits to prevent unauthorized persons from entering the area or vicinity where an Incident exists;
 - d) May request Officers to enforce restriction on persons entering within the boundaries or limits as outlined in Section 5.7(c);
 - e) Enter, pass through or over Property, including Property adjacent to an Incident and to cause Members and Equipment to pass or enter through or over Property, where he/she deems it necessary to gain access to the Incident or to protect any person or Property;
 - f) At their discretion obtain assistance from employees of the municipality as he/she deems necessary to discharge their duties and responsibilities while firefighting under this Bylaw;
 - g) Request persons who are not Members to assist at an Incident if he/she deems it necessary to deal with the Incident; or
 - h) Commandeer privately owned equipment, which he/she deems necessary to deal with the Incident.
- 5.8 The Fire Chief may impose conditions on any approval, permit or authorization under this Bylaw.
- 5.9 Notwithstanding any other provision of this Bylaw, the Fire Chief may at any time impose a ban on some or all permitted fires within the Town. Once imposed, such a ban shall remain in effect until lifted by the Fire Chief.

6. USE OF GREEN FLASHING LIGHTS IN VOLUNTEER VEHICLES

- 6.1 A full-time or volunteer firefighter may carry on or in a vehicle, other than an emergency vehicle, a lamp that produces intermittent flashes of green light and may operate the lamp if the said vehicle is proceeding to the firehall for an Incident call or to the scene of an Incident;
- 6.2 No person other than a full-time or volunteer firefighter shall operate a lamp that produces intermittent flashes of green light;
- 6.3 Only Green Flashing lights issued by the Fire Department may be used in a personal vehicle operated by a full-time or volunteer firefighter;
- 6.4 A Member shall not turn on or use the Green Flashing Lights unless the vehicle is being used in response to an Incident.
- 6.5 Nothing in this section shall be construed to permit a fulltime or volunteer firefighter to operate a vehicle in contravention of this act, the regulations or a Municipal Bylaw.

7. PROHIBITIONS

- 7.1 At an Incident, no Person shall impede, obstruct, or hinder a Member acting under the direction of the Incident Commander.
- 7.2 No Person shall obstruct a Member from carrying out duties imposed by the Bylaw.
- 7.3 No Person shall obstruct or otherwise interfere with access roads, streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for firefighting purposes or any connections provided to a fire main, pipe, standpipe, sprinkler system, cistern or other body of water designated for firefighting purposes.
- 7.4 No Person shall damage or destroy Equipment of the Fire Department.
- 7.5 No Person shall tamper with, damage or destroy a fire hydrant, fire main, pipe, standpipe or Fire Department connections.
- 7.6 No Person shall enter the boundaries or limits of an area prescribed in Section 5.7(c) unless he/she has been authorized to enter by the Incident Commander.
- 7.7 No Person at an Incident shall drive a vehicle over any Equipment without permission of the Incident Commander.
- 7.8 No Person shall sell, offer for sale, give away or otherwise distribute, discharge, fire or set off any type of fireworks or pyrotechnic within the Town unless duly certified by the Explosives Act (Canada) and acceptable by the Fire Chief.

- 7.9 No Person shall have in his/her possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off any type of Fire Lantern Device within the Town.
- 7.10 No Person shall set any fire out of doors within the Town unless the fire is specifically permitted by Section 6.12 of this Bylaw.
- 7.11 No Person shall set a fire in an area where it may spread.
- 7.12 Any Person who ignites, fuels, supervises, maintains, or permits a fire within the Town without a valid Permit as required by this Bylaw is guilty of an offence, unless:
- a) It is in an approved and permitted Fire Pit as defined in Appendix "B".
 - b) The fire is a Smudge Fire confined within a non-combustible structure or container that is set on land of one (1) acre or more in area.
 - c) The Fire has been set by the Fire Department for the purpose of training it's Members;
 - d) The fire is a Public Park Site Fire; or
 - e) The Fire has otherwise been authorized by the Fire department.
- 7.13 No Person shall set a fire that has been prohibited by a Fire Ban imposed by the Fire Chief.
- 7.14 When a fire is lit, when such fire is not permitted pursuant to this Bylaw, the Owner of the Property upon which fire is lit shall;
- a) Extinguish the fire immediately; or
 - b) Where he/she is unable to extinguish the fire immediately, call 911 to report the fire.
- 7.15 No Person shall, either directly or indirectly, personally or through an agent, servant, or employee, kindle a fire and let it become a Running Fire on any land not his/her own Property or allow a Running Fire to pass from his/her own Property to the Property of another.
- 7.16 No Person shall:
- a) Light a Fire, Pit Fire, or Smudge Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
 - b) Light a Fire, Pit Fire, or Smudge Fire when the weather conditions are conducive to creating a Running Fire;

- c) Fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto Property other than his/her own;
 - d) Deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire;
 - e) Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he/she exercises reasonable care to prevent the fire from occurring; or
 - f) Provide false, incomplete, or misleading information to the Municipality or the Fire Department on or with respect to the Fire Permit Application;
- 7.17 No Person shall use a fire to burn Prohibited Debris:
- 7.18 Any Person who fails to extinguish a fire pursuant to this Bylaw shall be guilty of an offence.
- 7.19 No Person shall falsely represent themselves as a Member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.

8. REQUIREMENT TO REPORT

- 8.1 The Owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Department particulars of the fires, which are satisfactory to the Fire Chief.
- 8.2 The Owner or his authorized agent of any property containing a Dangerous Good(s) product which has produced a release, shall immediately report to the Fire Department particulars of the release and containment actions, which are satisfactory to the Fire Chief.

9. PERMITS

- 9.1 A Fire Pit Permit Application, Appendix "B", shall be required and approved prior to setting any fire in a Fire Pit.
- 9.2 Fire Pits shall meet the following specifications:
- a) A minimum of 3 meters clearances, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible materials.
 - b) The fire pit height does not exceed 0.6 meters when measured from the surroundings grade to the top of the pit opening.
 - c) The fire pit opening does not exceed 1 meter in width or in diameter when measured between the widest points or outside edges.



- d) The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to fire chief.
 - e) A spark arrestor mesh screen with openings no larger than 1.25 cm and construction of expanded metal (or equivalent non-combustible materials) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- 9.3 The Fire Chief must approve the building or use of a Fire Pit.
- 9.4 A Fire Permit Application, Appendix "C", shall be required and approved prior to setting any Open Burning or Smudge Fire.
- 9.5 Any fire where the required Permit was obtained must be conducted in the manner set out according to the provisions outlined on the Permit, and no Prohibited Debris is burned.
- 9.6 A permit shall not be required under this Bylaw to conduct:
- a) The cooking of food using a Portable Appliance.
 - b) Burning in a Fire Pit that has a valid Fire Pit Permit.
 - c) Burning by the Fire Department for the purpose of training its Members.
 - d) Burning a Public Park Site Fire.
 - e) Burning by the Town Public Works Department.
- 9.7 No fire described in Section 8 is permitted unless it is attended by a Person competent to supervise it.
- 9.8 Any Person wishing to obtain a Permit may apply directly to the Fire Chief.
- 9.9 Upon receipt of a properly executed Permit Application, the Fire Chief shall consider the Permit Application, and may, in his/her sole and absolute discretion:
- a) Refuse to grant a Permit;
 - b) Grant a Permit without terms and conditions;
 - c) Grant a Permit upon such terms and conditions, as the Fire Department deems appropriate.
- 9.10 Permits shall be non-transferable.
- 9.11 Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief and the Permit shall have endorsed therein the period of time for which the said Permit is valid.



- 9.12 The Fire Chief may extend, in writing, the period of time that a Permit is valid, provided the Permit has not expired.
- 9.13 The Fire Chief may, in his/her sole and absolute discretion, terminate, suspend or cancel a Permit upon contravention of any provision of this Bylaw or any terms and conditions found on the permit. The Person concerned shall immediately extinguish any fire set pursuant to his/her Permit.
- 9.14 Each application for a Permit must contain the following information:
 - a) The name and address of the applicant;
 - b) The civic description of the land on which the applicant proposes to set the fire;
 - c) The type and description of material which the applicant proposes to burn;
 - d) The period of time for which the permit is valid;
 - e) The precautions, if any that will be taken by the applicant to ensure that the proposed fire remains under his/her control;
 - f) The signature of the applicant;
 - g) The written consent of the proposed fire by the Owner, or authorized agent of the Property.
- 9.15 The Permit fees are as set in the Town of High Prairie Fees Bylaw.
- 9.16 Where a Person:
 - a) fails to obtain a Permit as required under this Bylaw; or
 - b) obtains a Permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the Permit; or
 - c) originally did not require a Permit, but whose actions brought an open area fire under the requirement for a Permit as defined herein; and
 - d) a fire beyond the control of the Person or other emergency results,then such Person shall be liable to pay all costs incurred by the Fire Department for the response, and the Town shall be able to recover from such Person all such costs as a debt owing to the municipality as per the Town of High Prairie Fees Bylaw.

10. FIRE BANS

- 10.1 The Town shall have the authority to impose a Fire Ban within the Town limits.



- 10.2 The Fire Chief may issue a Fire Ban within the Town when a Fire Ban has been issued in the rural area surrounding the Town.
- 10.3 The Fire Ban shall have the effect of:
 - a) Cancelling any Permits issued under the authority of this Bylaw;
 - b) Requiring that all outdoor fires presently burning whether set under the authority of a Permit or not, be extinguished;
 - c) Prohibiting the lighting of any outdoor fires, including campfires; and
 - d) Prohibiting the lighting of any fireworks.
- 10.4 For purposes of clarification, a Fire Ban will not apply to fires which are contained in Portable Appliances, and which are fueled by fluids or gasses.
- 10.5 When a Fire Ban has been issued, an Officer and/or the Fire Chief are authorized to enter onto any Property, whether public or private, without a warrant, for the purpose of inspecting the premises to ascertain whether there are any outdoor fires.
- 10.6 When a Fire Ban has been issued, the Fire Chief shall be authorized to enter onto any Property, whether public or private, without a warrant, for the purpose of extinguishing any outdoor fire that has not been extinguished by the Owner or occupant after being requested to do so.
- 10.7 When the Fire Department has taken any action whatsoever for the purpose of extinguishing an outdoor fire required to be extinguished under a Fire Ban, the Fire Chief shall, in respect of any costs incurred by the Fire Department in taking such action, charge any costs so incurred by the Fire Department to the Owner of the Property in respect of which the action was taken as per the Town of High Prairie Fees Bylaw.

11. LIMITS OF JURISDICTION

- 11.1 The limits of the jurisdiction of the Fire Chief and Members of the Fire Department will extend to the area and boundaries of the Town, and no part of the Fire Equipment shall be used beyond the limits of the Town without the express authorization of a written contract or agreement providing for the supply of firefighting services outside the Town boundaries.
- 11.2 Nothing in this Bylaw shall be deemed to authorize any fire, burning or other act which is in contravention of *the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12* and in the event of any conflict between the provisions of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

12. RECOVERY OF COSTS

12.1 Where the Fire Department has taken any action whatsoever for the purpose of:

- a) extinguishing a fire; or
- b) responding to an Incident within or outside the Town; or
- c) for the purpose of preserving life or property from injury or destruction by fire or other Incident within or outside the Town;

the Fire Chief may, in respect of any costs incurred by the Fire Department in taking such action, charge any costs so incurred by the Fire Department to the Person who caused the Incident or the Owner of the Property in respect of which the action was taken.

12.2 The decision to recover the costs or fees for actions taken by the Fire Department shall be made by the Fire Chief. Upon determining that costs or fees are to be recovered for the actions taken by the Fire Department, the Fire Chief shall issue an invoice for such costs or fees to the Person requesting the action, the Person whose actions necessitated the action by the Fire Department, or the Owner of the Property towards which the action was taken.

12.3 The schedule of costs and fees to be charged by the Fire Department for services rendered pursuant to this Bylaw shall be set out in the Town of High Prairie Fees Bylaw.

12.4 The Fire Chief shall also be authorized to recover all costs of consumables that are incurred at an Incident.

12.5 The Fire Chief may charge fees on a cost recovery basis for any service provided by the Fire Department. Fees in excess of cost recovery rates or for emergency services must be approved by Council.

12.6 Council may decide to issue a fee for other services provided by the Fire Department, and such fees shall be due and payable upon receipt of such services.

12.7 Upon appeal, Council may suspend or waive any fees included in this Bylaw for special circumstances.

12.8 In respect of the costs and fees prescribed in the Town of High Prairie Fees Bylaw:

- a) the Town may recover such cost or fee as a debt due and owing to the Town; or
- b) in the case of action taken by the Fire Department in respect to Property within the Town, where the cost or fee is not paid upon demand by the Town, then in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land.



- 12.9 All fees or charges remaining outstanding for more than thirty (30) days after the date of any invoice shall be deemed to be past due and a late payment penalty shall be added on a monthly basis to all such past due invoices at a rate of 2% of the balance outstanding. Such late payment penalty shall be compounded monthly at the rate of 2% (24%) per annum.
- 12.10 All monies generated by the fire department will be above the annual budget and will go into restricted reserve for the Fire Department.

13. OFFENCES AND PENALTIES

- 13.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
- 13.2 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 no less than that established by this Bylaw for each such day.

14. ENFORCEMENT

- 14.1 With respect to an offence under this Bylaw, an Officer may issue a Violation Tag or a Violation Ticket specifying the amount of the fine established in accordance with Appendix "A" of this Bylaw.
- 14.2 An Officer is hereby authorized and empowered to issue a Violation Tag to any Person or Owner, who the Officer has reasonable grounds to believe a Person has contravened any provision of this Bylaw.
- 14.3 Where an Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Officer may issue a Violation Tag to that person by serving it:
 - a) personally; or
 - b) by mailing a copy to such person at his or her last known residential or post office address.
- 14.4 A Violation Tag issued pursuant to Section 14.2 shall be in a form approved by the CAO and shall state:
 - a) the name of the person to whom it is issued;
 - b) the offense;
 - c) the appropriate penalty for the offense as specified at Schedule A of this Bylaw; and
 - d) the penalty shall be paid within 30 days of the issuance of the Violation Tag to avoid prosecution; and any other information as may be required by the CAO.

- 14.5 Where a Violation Tag has been issued the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Violation Tag.
- 14.6 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, an Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to part 2 or part 3 of the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34.*
- 14.7 Notwithstanding Section 14.6 of this Bylaw, an Officer is hereby authorized to immediately issue a Violation Ticket to any Person or Owner who an Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 14.8 Where a Violation Ticket has been issued to a Person under this Bylaw, that person may enter a plea of guilt by making a voluntary payment in the amount shown on the ticket to a Provincial Court Office. The recording of the payment by the Clerk of the Court is an acceptance of the guilty plea and constitutes a conviction.
- 14.9 A Violation Ticket issued prior to the time of expiry of this Bylaw, remains valid and the Person to whom the Violation Ticket was issued remains as fully liable to pay the specified penalty or to other legal process as the case may be, as though this Bylaw had not expired.
- 14.10 Regardless of whether a warning has been issued pursuant to this Bylaw, any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction to a penalty as set out in Appendix "A" of this Bylaw.
- 14.11 Nothing in this Bylaw shall preclude an Officer from laying charges under any alternate governing legislation.

15. INDEMNIFICATION

- 15.1 The Fire Chief, or a Member of the Fire Department charged with the enforcement of this Bylaw, acting in good faith and without malice for the Town in the discharge of his/her duties, shall not hereby render himself/herself liable personally and he/she is hereby relieved from all personal liability for any damage that may accrue to person or property as a result of any act required or by reason of any act or omission in the discharge of his/her duties.
- 15.2 During any lawsuit brought against the Fire Chief or a Member of the Fire Department, because of an act or omission performed by him/her in the enforcement of any provision of this Bylaw, they shall be defended by the Town until final determination of the proceedings.

16. REPEALING

16.1 Bylaw #14-2018 is hereby repealed.

17. COMING INTO FORCE

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

First Reading given on this 9th day of March, 2021.

Second Reading given on this 14th day of December, 2021.

GIVEN Unanimous Consent to proceed to third and final Reading of the Fire Protection Bylaw 12-2021 this 14th day of December, 2021.

Third and Final Reading given on this 14th day of December, 2021.



Mayor Brian Panasiuk



CAO Rod Risling



APPENDIX "A"

HIGH PRAIRIE VOLUNTEER FIRE DEPARTMENT PENALTIES SCHEDULE

Section:	Penalty Offence:	Penalty Fee:
Control of Fire Hazards		
7.1	Impeding, Obstructing, or Hindering a Member of the Fire Department or other person from carrying out duties imposed by this Bylaw.	\$400.00
7.2	Obstruct a Member from carrying out duties imposed by the Bylaw	\$250.00
7.3	Obstruction/Interference with access to roads, streets, and other approaches, to any fire alarm, Fire hydrant, cistern, or body of water designated for firefighting purposes of any connection provided to a fire main, pipe, standpipe, sprinkler system, cistern, or other body of water designated for firefighting purposes	\$350.00
7.4	Damage or Destruction of Fire Equipment or Apparatus	Court Ordered
7.5	No Person shall tamper with, damage or destroy a fire hydrant, fire main, pipe, standpipe or fire department connections.	\$500.00 + costs
7.6	Unauthorized entry of boundaries/limits of an Incident Area	\$100.00
7.7	Driving over equipment without permission from the Fire Chief or the Incident Commander	\$250.00
7.8	Unauthorized sale, offer to sell, give away, or setting off of any type of fireworks/pyrotechnics within Town Limits	\$500.00
7.9	Unauthorized possession, sale, offer to sell, give away, or setting off of any type of fire lanterns within Town Limits	\$500.00
7.11	Fail to control fire/Cause fire to spread	\$250.00
7.12	Ignites, fuels, supervises, maintains, or permits an open fire within the Town without a valid Permit	\$100.00
7.13	Set a fire that has been prohibited by a Fire Ban imposed by the Fire Chief	\$500.00
7.15	Allow/permit fire to become a running fire	\$250.00
7.16.a	Fail to take precautions before lighting a fire	\$250.00
Section:	Penalty Offence:	Penalty Fee:

BP *AK*



**BYLAW NO. 12-2021
Fire Protection
Town of High Prairie**

7.16.b	Light fire during weather conditions conducive of creating a running fire	\$250.00
7.16.c	Fail to take reasonable steps to control a fire	\$250.00
7.16.d	Improper removal/extinguishment of burning matter	\$250.00
7.16.e	Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire	\$350.00
7.16.f	Provide false/incomplete/misleading information for Permit	\$500.00
7.17	Use a fire to burn Prohibited Debris	\$250.00
7.18	Failure to Extinguish an outdoor fire;	
	First Offence	\$100.00 plus all response costs
	Second Offence	\$200.00 plus all response costs
	Third and subsequent Offences	\$400.00 plus all response costs
7.19	False representation	Court Ordered
Requirement to Report		
8.1	Failure to report fire damaged property	\$300.00
8.2	Failure to report Dangerous Goods	\$500.00
Permits		
9.1	Failure to obtain a Fire Pit Permit	\$100.00
9.4	Failure to obtain a Fire Permit	\$100.00
9.5	Failure to comply with the conditions as outlined in a Permit	All emergency Response costs

BP *MA*



APPENDIX "B"

TOWN OF HIGH PRAIRIE

FIRE PIT PERMIT

APPLICANT NAME: _____ DATE: _____

PHONE NUMBER: _____

APPLICANT MAIL ADDRESS: _____ Best time to Inspect Site: _____

CIVIC / LEGAL ADDRESS OF LAND WHERE FIRE PIT WILL BE LOCATED: _____

CHECK THE PRECAUTIONS THAT WILL BE TAKEN BY THE APPLICANT TO ENSURE THAT THE FIRE REMAIN UNDER HIS/HER CONTROL AT ALL TIMES.

- Fire Pit Screen
- Adequate Water Close by:
- Meets Clearance Specifications listed below
- Person at location
- Proper Encasement around fire
- No burning with winds over _____
- Adequate Equipment to control fire

*The Fire Chief must approve the building or use of a Fire Pit.

Fire Pit – means an outdoor receptacle for the purposes of setting a recreational fire in the Town and shall meet the following specifications:

1. A minimum of 3 meters clearances, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible materials.
2. The fire pit height does not exceed 0.6 meters when measured from the surroundings grade to the top of the pit opening.
3. The fire pit opening does not exceed 1 meter in width or in diameter when measured between the widest points or outside edges.
4. The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to fire chief.
5. A spark arrestor mesh screen with openings no larger than 1.25 cm and construction of expanded metal (or equivalent non-combustible materials) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.

Penalty

Where a person:

- Fails to obtain a Fire Pit Permit as required under this Bylaw
- Obtains a Fire Pit Permit as provided for this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the permit;
- Originally did not require a permit, both whose actions brought an open area fire under the requirements for a permit as defined herein and
- A fire beyond the control of the person or other emergency results, then such person shall be liable to pay all costs of all emergency response service incurred by the Fire Department, and the Town shall be able to recover from such person all such costs as a debt owing to the municipality.

Fee: \$25.00 paid YES NO

Fire permit valid dated: _____ Fire Permit Expires: _____

Authorized by: _____

Applicant Signature: _____ Land Owner Signature: _____



APPENDIX "C"

TOWN OF HIGH PRAIRIE

FIRE PERMIT

APPLICANT NAME: _____ DATE: _____

PHONE NUMBER: _____

APPLICANT MAIL ADDRESS: _____ Best time to Inspect Site: _____

CIVIC / LEGAL ADDRESS OF LAND WHERE FIRE WILL BE LOCATED: _____

PURPOSE OF FIRE: _____

CHECK THE PRECAUTIONS THAT WILL BE TAKEN BY THE APPLICANT TO ENSURE THAT THE FIRE REMAIN UNDER HIS/HER CONTROL AT ALL TIMES.

- Person at location
- Adequate Water Close by
- No burning with winds over _____
- Adequate Equipment to control fire
- Proper Encasement around fire
- Fire Duration Allowed: _____

Ignition requirements: _____

Other Conditions: _____

FIRE PERMIT TERMS & CONDITIONS

The person to whom a Fire Permit has been issued shall implement and comply with the following conditions by:

- 1) Retaining the Permit at the site
- 2) Allowing the Fire Chief to enter and inspect the premises for compliance with all applicable sections of this Bylaw.
- 3) No Person Shall:
 - (a) Light an Open Fire, Incinerator Fire, Fire Pit, or smudge without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
 - (b) Light an Open Fire, Incinerator Fire, Fire Pit, or Smudge Fire when the weather conditions are conducive to creating a Running Fire.
 - (c) Fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his/her own.
 - (d) Deposit, discard or leave any burning matter of substance where it might ignite other materials and cause a fire.
 - (e) Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire unless he/she exercises reasonable care to prevent the fire from occurring.
 - (f) Provide false, incomplete, or misleading information to the Municipality or the Fire Department on or with respect to the Fire Permit Applications.
 - (g) Interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property.
 - (h) Interfere with the operations of any Fire Department Equipment or Apparatus required to extinguish fire or preserve life or property.
 - (i) Damage or destroy the Fire Department property.
 - (j) Falsely represent himself as a Fire Department Member or Guardian or wear or display and Fire Department badge, cap, button, insignia, or other paraphernalia for the purposes of such false representation.
- 4) No Person shall use a fire to burn Prohibited Debris.
- 5) The owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Department particulars of the fires, which are satisfactory to the Fire Chief.
- 6) The owner or his authorized agent of any property containing dangerous good(s) product shall immediately report to the Fire Department particulars of the release, which are satisfactory to the Fire Chief.



PENALTY

Where a person:

- 1) Fails to obtain a Fire Permit as required under this Bylaw; or
- 2) Obtains a Fire Permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the Fire Permit; or
- 3) Originally did not require a Permit, both whose actions brought an open area fire under the requirements for a Permit as defined herein; and
- 4) A fire beyond the control of the person or other emergency results, then such person shall be liable to pay all costs of all emergency response service incurred by the Emergency Response Department, and the Town shall be able to recover from such person all such costs as a debt to the municipality.

Fee: \$25.00 paid YES NO

Fire permit valid dated: _____

Fire Permit Expires: _____

Authorized by: _____

Applicant Signature: _____

Land Owner Signature: _____