

# BYLAW C-7886-2019

## OFFICE CONSOLIDATION

**A Bylaw of Rocky View County, in the Province of Alberta, to establish and operate a fire department, authorize the prevention and control of fires, and authorize the recovery of related fees, expenses, and charges.**

**WHEREAS** the *Municipal Government Act* provides that a council of a municipality may pass bylaws for municipal purposes respecting the following matters:

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

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

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

**AND WHEREAS** Council for Rocky View County wishes to establish fire service within the County and provide for the efficient operation of such a service; and

**AND WHEREAS** Council for Rocky View County wishes to provide for the prevention, regulation and control of the lighting of fires within the County;

**NOW THEREFORE** the Council of Rocky View County, in the Province of Alberta, duly assembled, hereby enacts the following:

### **Title and Interpretation**

- 1 This Bylaw may be cited as the *Fire Services Bylaw*.
- 2 In the event that any provision of this Bylaw is inconsistent with any provincial legislation, the provincial legislation prevails.

### **Definitions**

- 3 Words in this Bylaw have the same meaning as those set out in the *Municipal Government Act* except for the definitions provided within Schedule 'A' of this Bylaw.



### **Establishment and Purpose of the Fire Department**

- 4 Rocky View County's Fire Department is hereby established for the purpose of:
- (a) preventing and extinguishing fires;
  - (b) investigating the cause of fires in accordance with the quality management plan approved by Council and the Safety Codes Council;
  - (c) preserving life, property, and the environment, and protecting persons and property from injury or destruction by fire;
  - (d) providing rescue services and medical emergency co-response;
  - (e) preventing, combatting, and controlling Incidents;
  - (f) carrying out pre-fire planning and fire inspections in accordance with the quality management plan approved by Council and the Safety Codes Council;
  - (g) purchasing and operating Apparatus and Equipment for extinguishing fires or preserving life, property, and the environment;
  - (h) enforcing provisions of the *Safety Codes Act*;
  - (i) preventing prairie or running fires and enforcing the provisions of the *Forest Prairie and Protection Act*;
  - (j) fulfilling the requirements of any mutual aid agreements with other municipalities;
  - (k) assisting with emergency management;
  - (l) providing public education and information regarding fire safety;
  - (m) training or other Member development;
  - (n) enforcing this Bylaw and any other applicable bylaws and policies of the County and any applicable enactments;
  - (o) controlling and mitigating Incidents involving Dangerous Goods; and
  - (p) otherwise providing emergency services as required;
- in accordance with the policies and guidelines established by the County from time to time and all applicable legislation.

### **Authority and Responsibility of the Fire Chief**

- 5 The Fire Chief shall be appointed by and report to the Chief Administrative Officer.
- 6 The Fire Chief shall be responsible for managing the overall delivery of Fire Protection by the Fire Department, subject to:
  - (a) this Bylaw;
  - (b) all applicable County policies;
  - (c) the direction of the CAO;
  - (d) any agreements the County has with other municipalities or other entities, however constituted, that provide Fire Protection in the County.
- 7 The Fire Chief may prescribe rules, regulations and policies for the ongoing organization, administration and day-to-day operation of the Fire Department, including but not limited to:
  - (a) use, care, maintenance and protection of Fire Department Property;
  - (b) the appointment, recruitment, conduct, discipline, duties, training and responsibilities of Members;
  - (c) the efficient operation of the Fire Department; andmay perform such other functions and have such other powers and responsibilities the Chief Administrative Officer may from time to time prescribe.
- 8 The Fire Chief may, subject to ratification by Council, negotiate and enter into agreements with the Province of Alberta, other municipalities or other entities, however constituted, for the purchase, joint use, control and management of Fire Department Property, and for the purpose of providing Fire Protection within or outside the County.
- 9 The Fire Chief is authorized to delegate, and to authorize further delegations of any powers, duties and functions delegated to the Fire Chief by Council under this Bylaw.

### **Authority and Responsibility of Members**

- 10 Members are responsible to the Fire Chief for the performance of their duties pursuant to this Bylaw and applicable policies of the County.

### **Authority and Responsibility of Member in Charge**

- 11 The Member in Charge at an Incident shall have control, direction and management of all Apparatus, Equipment and manpower assigned to that Incident and shall continue to act as the Member in Charge until relieved by another Member authorized to do so.



- 12 The Member in Charge shall take action as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to:
- (a) enter, pass through or over buildings, structures or property whether adjacent or in proximity to an Incident and to cause Members or Apparatus to enter or pass through or over the building, structure or property without permission;
  - (b) establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Member in Charge;
  - (c) request Enforcement Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 12(b);
  - (d) cause a building, structure or thing to be pulled down, demolished or otherwise removed;
  - (e) secure County manpower and Equipment which he considers necessary to deal with an Incident;
  - (f) secure and/or commandeer privately owned Equipment which he considers necessary to deal with an Incident and authorize payment for use of the Equipment;
  - (g) require any adult person who is not a Member, to assist in:
    - (i) extinguishing a fire or preventing the spread thereof;
    - (ii) removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
    - (iii) demolishing a building or structure at or near the fire or other Incident.

#### **Appointment and Powers of Fire Guardians**

- 13 Council delegates its authority to appoint Fire Guardians under the *Forest and Prairie Protection Act* to the Fire Chief in accordance with section 203 of the *Municipal Government Act*.
- 14 Fire Guardians shall have the authority and power to:
- (a) exercise all powers prescribed for Fire Guardians under the *Forest and Prairie Protection Act*;
  - (b) issue Fire Permits in accordance with this Bylaw;



- (c) issue a Fire Permit unconditionally or to impose any conditions on the Permit that the Fire Guardian considers appropriate, in his or her sole discretion, given the nature of the fire and prevailing circumstances, location and environmental conditions;
- (d) suspend or cancel a Fire Permit at any time;
- (e) refuse to issue a Fire Permit where, in the opinion of the Fire Guardian, there is a risk to the public in relation to the proposed fire;
- (f) enforce the provisions of the *Forest and Prairie Protection Act* and this Bylaw within the boundaries of Rocky View County;
- (g) require any able-bodied adult person who is not exempt by the regulations of the *Forest and Prairie Protection Act* to assist in Fighting a Fire and the prevention or spread thereof, subject to the following:
  - (i) they will assist with wildland and or grass fires at the direction of the Member in Charge;
  - (ii) they will be used for defensive or preventative operations only;
  - (iii) they may not enter buildings or occupancies to extinguish a fire; and
  - (iv) they will meet any requirements for “trained competent workers” under the *Occupational Health and Safety Act*.<sup>1</sup>
- (h) commandeer and authorize payment for the possession or use of any Equipment for the purposes of extinguishing a fire;
- (i) enter into a closed area under the *Forest and Prairie Protection Act* without a permit or written permission of a forest officer subject only to the regulations of the *Forest and Prairie Protection Act*;
- (j) obtain the following information from any person found on public property or leaving or entering public property:
  - (i) name;
  - (ii) address;
  - (iii) an account of their activities;
  - (iv) the route of the activities they propose to carry out; and
  - (v) the route they intend to follow on the public property;

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<sup>1</sup> Bylaw C-8504-2024



- (k) enter on any property or premises, except a private dwelling house, without a warrant for the purpose of discharging his or her duties under this Bylaw or the *Forest and Prairie Protection Act*;
- (l) enter any private dwelling house that is on fire without a warrant for the purpose of extinguishing the fire or to prevent the spread thereof;
- (m) direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
- (n) perform work relating to the extinguishing or controlling the fire or the operations to preserve life and property and enter onto any property for the purpose of extinguishing or controlling the fire; and
- (o) prevent interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of the fire.

#### **Permitted and Prohibited Fires**

- 15 No person shall light or cause to be lit any outdoor fire or permit any outdoor fire upon land owned or occupied by him or under his control within the boundaries of the County except as otherwise provided for under this Bylaw.
- 16 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the County.
- 17 No person shall light or cause to be lit an outdoor fire or permit any outdoor fire upon land owned or occupied by him or under his control except when he is the holder of a valid Fire Permit issued pursuant to this Bylaw or the *Forest and Prairie Protection Act* or unless the specific type of fire is exempted from requiring a Fire Permit either in this Bylaw or the *Forest and Prairie Protection Act*.
- 18 Any person who builds, ignites, or permits a fire within the County must ensure that the fire is not left unsupervised at any time.
- 19 Notwithstanding section 17 of this Bylaw, Fire Permits are not required under this Bylaw for the following activities:
  - (a) cooking of food using a portable appliance;
  - (b) Recreational Fires or cooking of food in Acceptable Fire Pits or Acceptable Fireplaces, provided that:
    - (i) only clean fuel is used such as natural gas, dry wood, or charcoal, in amounts that will be contained within the Acceptable Fire Pit or Acceptable Fireplace below the mesh screen;

- (ii) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
- (iii) the fire is kept under control and supervised at all times by a responsible adult person until such time that the fire has been completely extinguished; and
- (iv) flame height does not exceed one meter above the structure or container;
- (c) burning in fireplaces in or attached to dwellings as provided by legislation;
- (d) an outdoor fire lit by the Fire Department for training or preventive control purposes;
- (e) an outdoor fire prescribed by the regulations of the *Forest Prairie and Protection Act*; and
- (f) burning of Burnable Debris when burned within an Acceptable Burning Barrel and/or incinerator.

### **Fire Permits**

- 20 An application for a Fire Permit shall be made in writing on the form adopted by the County as may be amended from time to time.
- 21 Upon receipt of an application for a Fire Permit, the Fire Guardian may, in his discretion, refuse to issue a Fire Permit or issue a Fire Permit with, or without, conditions.
- 22 A Fire Permit shall only be valid for the time period expressly indicated on the Permit, as determined by the Fire Guardian issuing the Permit at his or her sole discretion, having regard for the nature and purpose of the fire and prevailing circumstances and environmental conditions.
- 23 A Fire Guardian may extend the period of time that an existing Fire Permit remains valid, so long as the extension is requested and approved prior to the expiration of the Fire Permit.
- 24 A Fire Guardian may, in his 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.
- 25 On receiving notice that additional conditions have been imposed on a Fire Permit, the Fire Permit holder must immediately comply with the additional conditions.
- 26 A Fire Permit is not transferable.



- 27 Each Fire Permit application must contain the following information:
- (a) the name and address of the applicant and the name and address of the Owner of the property on which the applicant proposes to set a fire;
  - (b) the legal and municipal description of the property on which the applicant proposes to set a fire;
  - (c) the period of time for which the Fire Permit is required;
  - (d) the precautions that will be taken by the applicant to ensure that the proposed fire remains under control;
  - (e) the signature and authorization of the applicant; and
  - (f) consent for the proposed fire by the Owner of the property if different than the applicant.
- 28 Fire Permits must have an identifying number and contain the name, signature, and designation number of the Fire Guardian.
- 29 Every person who sets a fire under authority of a Fire Permit shall:
- (a) comply with any terms or conditions of the Fire Permit;
  - (b) keep the Permit at the site of the fire;
  - (c) produce and show the Permit to a Fire Guardian, a Member or an Enforcement Officer upon request;
  - (d) have a responsible person in attendance at the fire at all times;
  - (e) keep the fire under control;
  - (f) extinguish the fire before expiration of the Permit or upon cancellation of the Permit; and
  - (g) be responsible for any costs incurred by the Fire Department when called upon to extinguish such fire if, in the opinion of the Fire Chief or his designate, the fire is a hazard to persons or property.

### **Fire Advisories**

- 30 The Fire Chief may, from time to time, prohibit the issuance of any new Fire Permits and suspend all active Permits when, in the opinion the Fire Chief, the prevailing environmental conditions give rise to an increased risk of fire.
- 31 A Fire Advisory imposed pursuant to section 30 of the Bylaw shall remain in force until either the date provided in the notice of the Fire Advisory or until such time the Fire Chief provides notice to the public that the Fire Advisory is no longer in effect.

- 32 Notice of a Fire Advisory shall be provided to the public. Notice may be in the form of signage, through a public service message on the local radio stations, or by any means, which the Fire Chief determines is appropriate for the purpose of informing the public of the Fire Advisory.
- 33 When a Fire Advisory is in place:
- (a) no Fire Guardian shall issue a Fire Permit; and
  - (b) the Fire Chief shall not issue any Fireworks Permits;
- from the date of issuance of the Fire Advisory.
- 34 When a Fire Advisory is in place, no person shall:
- (a) ignite a fire unless the fire is exempt from requiring a Fire Permit pursuant to section 19 of this Bylaw; or
  - (b) sell, purchase, possess, handle, discharge, fire or set off Fireworks within the County.<sup>2</sup>

### **Fire Bans**

- 35 The Fire Chief may, from time to time, prohibit all fires within Rocky View County or a portion of the County when the Fire Chief, in his sole discretion, determines that the prevailing environmental conditions may give rise to an increased risk of fire or increased risk of a fire running out of control
- 36 A Fire Ban imposed pursuant to section 35 of the Bylaw shall remain in force until either the date provided in the notice of the Fire Ban or until such time the Fire Chief provides notice to the public that the Fire Ban is no longer in effect.
- 37 Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signage, through a public service message on the local radio stations, or by any means, which the Fire Chief determines is appropriate for the purpose of informing the public of the Fire Ban.
- 38 When a Fire Ban is in place, no person shall:
- (a) ignite a fire, whether or not the person is the holder of a Fire Permit, and every person shall immediately extinguish any fire lit once the person knows or ought reasonably to know of the Fire Ban; or
  - (b) sell, purchase, possess, handle, discharge, fire or set off Fireworks within the County.
- 39 All Fire Permits and Fireworks Permits issued within the area affected by the Fire Ban are suspended for the duration of the Fire Ban.

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<sup>2</sup> Bylaw C-8504-2024



### Fireworks Permit

- 40 No Person shall sell, purchase, possess, handle, discharge, fire or set off Fireworks within the County unless they hold a valid Fireworks Permit.
- 41 An application for a Fireworks Permit shall be made in writing on the form approved by the Fire Chief, as may be amended from time to time.
- 42 The issuance of a Fireworks Permit shall be at the sole discretion of the Fire Chief.
- 43 No person under the age of eighteen (18) years shall apply for a Fireworks Permit.
- 44 A Fireworks Permit shall provide:
- (a) the time(s) and date(s) for which the Fireworks Permit is valid;
  - (b) the location(s) where the Fireworks may be discharged;
  - (c) the activity that the Fireworks Permit authorizes;<sup>3</sup>
- all of which shall constitute terms and conditions of the Fireworks Permit.
- 45 A Fireworks Permit may include any further terms and conditions that the Fire Chief deems necessary for the safe sale or use of the Fireworks.
- 46 No Person shall sell, purchase, possess, handle, discharge, fire or set off Fireworks in a manner that is contrary to the terms and conditions of a Fireworks Permit.
- 47 Any Person selling, purchasing, possessing, handling, discharging, firing or setting off Fireworks shall keep the Fireworks Permit available for immediate production to a Enforcement Officer or Member upon demand.
- 48 The Fire Chief may revoke any Fireworks Permit issued pursuant to this Bylaw:
- (a) for reasons of non-compliance with the *National Fire Code - Alberta Edition*, the *Explosives Act*, this Bylaw or the terms and conditions of the Permit;
  - (b) due to changes in environmental conditions; or
  - (c) for any reason related to safety to life, limb or property.<sup>4</sup>
- 49 No person shall have in his possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off firecrackers within the County.
- 50 The sale, purchase, possession, handling and discharge of Fireworks shall at all times be carried out in compliance with the *National Fire Code - Alberta Edition*.

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<sup>3</sup> Bylaw C-8504-2024

<sup>4</sup> Bylaw C-8504-2024

### **Barbeques and Table Top Propane-Fuelled Fire Pits**

- 51 All barbeques and table top propane-fuelled fire pits must comply with the requirements established in the *Safety Codes Act*.
- 52 If the Owner of a building allows propane barbeques and other appliances to be installed on their decks or balconies, the barbeques, cylinders, or any other items must be installed in accordance with the manufacturer's certified instruction and the CSA Group *B149.1-15* codes and standards.
- 53 If the Owner of a building allows table top propane-fuelled fire pits or other heating appliances to be installed on their decks or balconies, then the appliances, cylinders, or any other items must be installed in accordance with the manufacturer's certified instruction and the CSA Group *B149.1-15* codes and standards.

### **Fire Safety Plans**

- 54 As required by the *Safety Codes Act*, all buildings or parts of buildings undergoing construction or demolition must have a fire safety plan, which must comply with the requirements of the *Safety Codes Act*.

### **Fire and Dangerous Goods Incident Reporting Requirements**

- 55 The Owner or authorized agent of any property damaged by fire must immediately report the particulars of the fire to the Fire Department in the manner and form prescribed by and to the satisfaction of the Fire Chief.
- 56 The Owner or authorized agent of any property containing Dangerous Goods which sustains an accidental or unplanned release of the Dangerous Goods must immediately report the particulars of the release to the Fire Department in the manner and form prescribed by and to the satisfaction of the Fire Chief.

### **Service Fees and Charges**

- 57 When the Fire Department has taken any action for the purpose of:
- (a) site inspections for regulated occupancies;
  - (b) requested site inspections and required fire investigations;
  - (c) business inspections;
  - (d) file searches;
  - (e) report copies;
  - (f) duplicate copies of photographs;
  - (g) photocopies of photographs;



- (h) site inspection or Fire Permit for flammable or combustible fuel tank installation;
- (i) site inspection or Fire Permit for flammable or combustible fuel tank removal;
- (j) Fire Permits;
- (k) Fireworks Permits;
- (l) Responding to an Incident; or
- (m) Responding to a False Alarm;

the applicable fee as set out in Rocky View County's *Master Rates Bylaw* must be paid to the County by the Owner of the subject property.

- 58 The fees charged by the Fire Department for services rendered pursuant to this Bylaw are set out in the *Master Rates Bylaw*.
- 59 The fees and charges described in this section shall be a debt due and owing to the County and collection of unpaid fees and charges may be undertaken by civil action in a court of competent jurisdiction.

### **Fire Protection Charges**

- 60 When the Fire Department has extinguished a fire within or outside Rocky View County for the purpose of preserving life, property, and the environment from injury or destruction, the Fire Chief may charge any costs incurred by the Fire Department in taking such action to:
  - (a) the person or persons causing or contributing to the fire; or
  - (b) the Owner or occupant of the parcel of land;and all persons charged are jointly and severally liable for payment of the Fire Protection Charges to the County.
- 61 Fire Protection Charges shall be paid within thirty (30) days of receipt.
- 62 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the County is entitled to on the parcel of land in respect of which the indebtedness in incurred.
- 63 Without limiting section 60, the Owner of a parcel of land within the County is liable for Fire Protection Charges incurred in relation to the Fire Department extinguishing fires on that parcel and the County may add to the tax roll of the parcel of land all unpaid Fire Protection Charges, which forms a special lien against the parcel of land in favour of the County from the date the amount was added to the tax roll.



- 64 Notwithstanding the provisions of sections 60, 61 and 63, the County may elect to recover Fire Protection Charges from person(s) responsible for those charges pursuant to the *Forest and Prairie Protection Act*.

### **Inspection and Enforcement**

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

### **Offences**

- 67 No person shall:
- (a) contravene any provision of this Bylaw;
  - (b) damage or destroy Fire Department Property;
  - (c) falsely represent himself as a Member;
  - (d) obstruct or otherwise interfere with access by the Fire Department or Fire Department Property to:
    - (i) the scene of an Incident;
    - (ii) a fire hydrant, cistern or other body of water designated for firefighting purposes; or
    - (iii) to connections to fire mains, stand pipes, or sprinkler systems.
  - (e) cross any boundaries or limits established by the Fire Department in accordance with this Bylaw, without the express authorization of the Member in Charge;
  - (f) cause or permit a Burning Hazard or fire hazard to exist on a parcel of land;
  - (g) deposit, discard or abandon any burning matter or substance so as to create a Burning Hazard;
  - (h) light a fire or cause a fire to be lit during a Fire Ban;
  - (i) light a fire unless they are the holder of a valid Fire Permit if required under this Bylaw or the *Forest and Prairie Protection Act*, or both.

- (j) provide false, incomplete or misleading information to the Fire Chief, a Fire Guardian, a Member or an Enforcement Officer with respect to a fire or a Fire Permit application;
- (k) light a fire on any land not his own without the written consent of the Owner of the land;
- (l) permit a fire lit by that person to pass from his own land to the land of another person;
- (m) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- (n) conduct any activity that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent a fire from occurring;
- (o) conduct any activity that involves the use of a fire, where smoke produced by the fire may impede the visibility of vehicular and pedestrian traffic on any road or highway;
- (p) light a fire on lands owned or controlled by the County except with the County's express written consent;
- (q) use a fire to burn Prohibited Debris;
- (r) impede, obstruct, or otherwise hinder a Member of the Fire Department or Enforcement Officer in carrying out their duties under this Bylaw or related legislation; or
- (s) impede, obstruct, or otherwise hinder access to property or Equipment required for use by a member of the Fire Department or Enforcement Officer in carrying out their duties under this Bylaw or related legislation;
- (t) discharge, fire, or set off Fireworks on any land not their own without the written consent of the Owner of the land;<sup>5</sup>

### **Offence**

68 A Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine in an amount not less than \$250.00 and not more than \$2,500. No person found guilty of an offence under this Bylaw is liable to imprisonment.

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<sup>5</sup> Bylaw C-8504-2024

### **Specified Penalties**

- 69 Without restricting the generality of section 68, the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are as set out in Schedule 'B'.

### **Violation Tickets**

- 70 An Enforcement Officer is authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person that the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 71 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this Bylaw for the offence; or
  - (b) require a person to appear in court without the alternative of making a voluntary payment.

### **Voluntary Payment**

- 72 A person who commits an offence may:
- (a) if the Violation Ticket is issued in respect of the offence; and
  - (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

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.

- 73 When the Clerk records in the Court records the receipt of a voluntary payment pursuant to Section 72 and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

### **Severability**

- 74 Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

**Transitional**

- 75 Rocky View County Bylaw C-7140-2012, being the *Fire Services Bylaw*, and any amendments thereto, are repealed upon this Bylaw passing and coming into full force and effect. Bylaw C-7886 2019, being the *Fire Department Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.

READ A FIRST TIME this 28<sup>th</sup> day of January, 2020

READ A SECOND TIME this 28<sup>th</sup> day of January, 2020

UNANIMOUS PERMISSION FOR THIRD READING this 28<sup>th</sup> day of January, 2020

READ A THIRD AND FINAL TIME this 28<sup>th</sup> day of January, 2020

“Greg Boehlke”

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Reeve

“Charlotte Satink”

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Chief Administrative Officer

January 28, 2020

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Date Bylaw Signed

**Bylaw C-7886-2019****Schedule 'A' – Definitions**

- 1 **"Acceptable Burning Barrel"** means an outdoor receptacle that meets the following specifications:
  - (a) a minimum of three metres' clearance is maintained from any building, property line, or other combustible material when measured from the nearest edge;
  - (b) the opening does not exceed one metre in width or diameter when measured between the widest points or outer edges;
  - (c) the receptacle has closed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Fire Chief;
  - (d) a spark arrestor mesh screen with openings no larger than 12.5 millimetres that is constructed of expanded metal (or equivalent material) is used to cover the opening in a manner sufficient to contain and reduce the hazards of airborne sparks; and
  - (e) is only used on agricultural lands.
  
- 2 **"Acceptable Fire Pit"** means an outdoor receptacle that meets the following specifications:
  - (a) a minimum of three metres' clearance is maintained from any building, property line, or other combustible material when measured from the nearest fire pit edge;
  - (b) the fire pit height does not exceed 600 millimetres when measured from the surrounding grade to the top of the pit opening;
  - (c) the pit opening does not exceed one metre in width or in diameter when measured between the widest points or outer edges;
  - (d) the fire pit has enclosed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Fire Chief; and
  - (e) a spark arrestor mesh screen with openings no larger than 12.5 millimetres that is constructed of expanded metal (or equivalent material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
  
- 3 **"Acceptable Fireplace"** means an outdoor receptacle that meets the following specifications:
  - (a) a minimum of one metre's clearance is maintained from any building, property line, or other combustible material when measured from the nearest fireplace edge;



- (b) the fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
  - (c) the fireplace is equipped with a chimney that is not less than two and one-half metres in height when measured from the base of the burning area;
  - (d) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - (e) the base of the fire burning area is not less than 300 millimetres above the surrounding grade; and
  - (f) the fire chamber does not exceed one and one-quarter metres in width and is at least 400 millimetres, but not more than 600 millimetres in depth; and
  - (g) Clay fire pots are required to meet the above regulations and should have a layer of sand or gravel in the bottom to prevent burn-through.
- 4 **"Apparatus"** means any vehicle provided with machinery, or Equipment for firefighting operated by or for the Fire Department whether that vehicle operates on land, in the air, or on water.
- 5 **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy.<sup>6</sup>
- 6 **"Burnable Debris"** applies to farm use only and means the following materials:
- (a) grass and weeds;
  - (b) leaves and tree pruning's;
  - (c) brush and fallen trees on newly cleared property;
  - (d) wood material from the construction or demolition of buildings that does not contain wood preservatives; and
  - (e) baled straw or hay.<sup>7</sup>
- 7 **"Burning Hazard"** means an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or property or damage property.
- 8 **"Chief Administrative Officer"** or **"CAO"** means the Chief Administrative Officer of Rocky View County or his authorized delegate pursuant to the *Municipal Government Act*.
- 9 **"Council"** means the duly elected Council of Rocky View County.

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<sup>6</sup> Bylaw C-8504-2024

<sup>7</sup> Bylaw C-8504-2024



- 10 **"County"** means Rocky View County.
- 11 **"Dangerous Goods"** means any product, substance, or organism specified in the regulations, or included by its nature, in any of the classes listed in the regulations under the *Dangerous Goods Transportation and Handling Act*.
- 12 **"Enforcement Officer"** means a Bylaw Enforcement Officer employed by Rocky View County in accordance with the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police (R.C.M.P), and, when authorized, a Community Enforcement Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act*, RSA 2006, c P-3.5.
- 13 **"Equipment"** means any tools, devices, materials or supplies used by or for the Fire Department to respond to an Incident.
- 14 **"Fire Advisory"** means an order issued pursuant to this Bylaw for the purpose of fire prevention and cessation of Fire Permits for duration of the Advisory.
- 15 **"False Alarm"** means any notification, by whatever means received, by the Fire Department respecting the existence of a condition, circumstance, fire or other event containing an imminent, serious danger to persons or property, wherein such condition, circumstance, fire or other event does not, in fact, exist.
- 16 **"Fighting a Fire"** means the actions to control and extinguish a fire and the prevention or spread thereof under supervision of the authority having jurisdiction.<sup>8</sup>
- 17 **"Fire Ban"** means an order issued by the Minister responsible for the *Forest and Prairie Protection Act*, or an order issued pursuant to this Bylaw, for the purpose of cancelling all fire permits, prohibiting the lighting of, and requiring the extinguishment of all fires within the County.
- 18 **"Fire Chief"** means the person employed by the County as the Director of Emergency Management & Fire Chief, or his or her designate.
- 19 **"Fire Department"** means the department as established by Council and organized by Rocky View County consisting of, among other things, all persons appointed or recruited to the various positions within the Fire Department, including all Members.
- 20 **"Fire Department Property"** means all real and personal property owned or controlled by the County and designated for use by the Fire Department including but not limited to Apparatus, Equipment and fire stations.
- 21 **"Fire Guardian"** any individual appointed as a Fire Guardian pursuant to the *Forest and Prairie Protection Act* or this Bylaw.
- 22 **"Fire Hazard"** means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard.

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<sup>8</sup> Bylaw C-8504-2024

- 23 **"Fire Permit"** means a permit issued by an individual authorized by the County to do so pursuant to this Bylaw, authorizing the setting of a specific type of fire, and includes a fire permit issued by a Fire Guardian pursuant to the *Forest and Prairie Protection Act*.
- 24 **"Fire Protection"** means any and all of the services enumerated in Section 4 of this Bylaw and includes any other service delivered by or for the Fire Department that is authorized by Council.
- 25 **"Fire Protection Charges"** means all costs incurred by or for the Fire Department in providing Fire Protection both within and outside the County's boundaries.
- 26 **"Fireworks"** means the pyrotechnics classified as fireworks pursuant to the *Explosives Act* and its Regulations, including consumer fireworks, display fireworks and special effect pyrotechnics, but does not include firecrackers or explosive devices.
- 27 **"Fireworks Permit"** means a permit, issued by the Fire Chief or his designate, authorizing the sale, purchase, possession, handling, discharge, firing or setting off of Fireworks in the County.
- 28 **"Incident"** means a fire or medical situation where a fire or explosion is imminent, or any other situation presenting danger or possible danger to life, property, or the environment, and to which the Fire Department has responded.
- 29 **"Master Rates Bylaw"** means Rocky View County's current *Master Rates Bylaw*, as amended or replaced from time to time.
- 30 **"Member"** means any person who is duly appointed a member of the Fire Department and includes the Fire Chief.
- 31 **"Member in Charge"** means the Fire Chief, or in the absence of the Fire Chief, the highest ranking Member who first arrives at the scene of an Incident.
- 32 **"Occupancy"** means the use or intended use of a building or part thereof for the shelter of persons, animals, or property.<sup>9</sup>
- 33 **"Occupational Health and Safety Act"** means the *Occupational Health and Safety Act*, c O-2.2, RSA 2000, and all associated regulations and codes, as amended from time to time.<sup>10</sup>
- 34 **"Owner"** means the person or persons listed on title as the registered owner of property at the Land Titles Office.
- 35 **"Person"** means any individual, firm, partnership, association or corporation.

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<sup>9</sup> Bylaw C-8504-2024

<sup>10</sup> Bylaw C-8504-2024



- 36 **"Prohibited Debris"** means any material that when burned will result in the release of dense smoke or toxic air contaminants to the atmosphere as outlined in any legislation or bylaw written to protect and enhance the environment and includes but is not limited to materials described as:
- (a) straw and stubble either standing in the field or in swaths;<sup>11</sup>
  - (b) animal manure;
  - (c) chemicals and chemical containers;
  - (d) combustible material in automobiles;
  - (e) household refuse;
  - (f) non-wooden material;
  - (g) paints and painting materials;
  - (h) pathological waste;
  - (i) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
  - (j) tires;
  - (k) toxic substances;
  - (l) used oil; or
  - (m) wood or wood products containing substances for the purpose of preserving wood.
- 37 **"Recreational Fires"** means a fire confined within a non-combustible structure or container, which is lit for the purpose of cooking, obtaining warmth or viewing for pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane;
- 38 **"Violation Ticket"** means a violation ticket issued for an offence committed against any of the provisions of this Bylaw under Part 2 of the *Provincial Offences Procedure Act*.

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<sup>11</sup> Bylaw C-8504-2024

**Bylaw C-7886-2019**
**Schedule 'B' – Specified Penalties**

<b>Bylaw Section Number</b>	<b>Offence</b>	<b>Minimum Penalty (1<sup>st</sup> Offence)</b>
29(a)	Conducting a burn contrary to the conditions of a Fire Permit	\$500.00
38(a)	Burning during a fire ban	\$1,000.00
55	Failure to report a fire to the Fire Department	\$500.00
67(g)	Deposit, discard, or leave any burning matter or substance that may cause a fire	\$1,000.00
67(i)	Lighting an outdoor fire without a Fire Permit	\$500.00
67(j)	Providing false or misleading information when applying for a Fire Permit	\$500.00
67(m)	Failure to take necessary precautions when burning	\$500.00
67(p)	Lighting an outdoor fire on municipal land without a permit	\$500.00
67(q)	Burning prohibited debris	\$1,000.00
67(r) <sup>12</sup>	Impeding, obstructing, or otherwise hindering a member of the Fire Department or Enforcement Officer in carrying out their duties	\$1,000.00
67(s) <sup>13</sup>	Impeding, obstructing, or otherwise hindering access to property or Equipment required by a member of the Fire Department or Enforcement Officer in carrying out their duties	\$1,000.00

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<sup>12</sup> Bylaw C-8504-2024

<sup>13</sup> Bylaw C-8504-2024