

FIRE SERVICES BYLAW NO. 317

A BYLAW IN THE VILLAGE OF AMISK, IN THE PROVINCE
OF ALBERTA TO ESTABLISH AND PROVIDE FOR THE
OPERATION OF A FIRE SERVICE

WHEREAS pursuant to the Municipal Government Act, as amended, Council may pass a bylaw for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property;

AND WHEREAS the Council for the Village of Amisk wishes to establish a Fire Service and provide for the efficient operation of that Fire Service;

AND WHEREAS the Village of Amisk has been accredited by the Safety Code Council in the fire discipline under Joint Accreditation with the Villages of Hughenden and Czar;

NOW THEREFORE COUNCIL OF THE VILLAGE OF AMISK DULY
ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE:

This Bylaw shall be called the Fire Services Bylaw.

1. Definitions

In this Bylaw, unless the context otherwise requires:

ACCEPTABLE FIRE PIT SHALL MEAN an outdoor receptacle that meets the following specification:

- a. A required minimum of 3 meters clearance, measured from the nearest fire pit edge to building, property line, or other combustible materials.
- b. The fire pit height does not exceed 0.6 meters when measured from the surrounding grade to the top of the pit opening.
- c. The fire pit opening does not exceed 1 meter wide in width or in diameter when measured between the widest points or the 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 the Fire Chief;
- e. A spark arrester mesh screen with openings no larger than 1.25 centimeters, the constructed of expanded material (or equivalent non-combustible materials) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks.

ACCEPTABLE FIRE PLACE shall mean an outdoor receptacle that meets the following specifications:

- a. A minimum of 1 meter clearance measured from the nearest fire place edge to buildings, property lines, or other combustible materials;
- b. The fire place is constructed of materials such as bricks or rocks that are heat and flame resistant.
- c. The fire place is equipped with a chimney that is not less than 2.5 meters in height when measured from the base of the fire burning areas;
- d. The fire place chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- e. The base of the burning area is not less than 0.3 meters above the surrounding grade; and
- f. The fire chamber does not exceed 1,25 meters in width, and is at least 0.4 meters by not more than 0.6 meters in depth.

APPARATUS shall mean any vehicle operated by the Fire Department and designed to travel over land, air, or water, which may be provided with machinery, devices, equipment or materials for fire fighting, and includes any vehicles used to transport fire fighters or supplies.

BURNABLE DEBRIS shall mean those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment. It shall include, but not be limited to, the materials described as:

- a. Grass and weeds;
- b. Leaves and tree prunings;
- c. Brush and fallen trees on newly cleared land or associated logging operations;
- d. Used power, telegraph and telephone poles that do not contain preservatives;
- e. Unpainted wood material from construction or demolition of buildings which does not contain wood preservatives;
- f. Solid waste from post and pole operations that does not contain wood preservatives; and
- g. Solid waste from tree harvesting operations.

BUSINESS INSPECTIONS shall mean the compliance monitoring performed by the Fire Department to maintain conformance with Alberta Fire Code and standards under the Safety Code Act of Alberta and Regulations and the Village of Amisk Quality Management Program.

BYLAW ENFORCEMENT OFFICERS shall mean a Bylaw Enforcement Officer or his or her designated appointed by the Village of Amisk.

CHIEF ADMINISTRATIVE OFFICER shall mean the Chief Administrative Officer or designate of the Village of Amisk.

COUNCIL shall mean the Council of the Village of Amisk.

DANGEROUS GOODS shall mean 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 the Transportation of Dangerous Goods Regulations (Canada); or any successor Regulation.

EQUIPMENT shall mean any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency, or to perform any other function of the Fire Department.

FIRE CHIEF shall mean the Fire Chief or his or her designate of the Village of Amisk.

FIRE DEPARTMENT shall mean the Village of Amisk.

FIRE PROTECTION shall mean all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre fire planning, fire investigation, public education and information, training or other staff development and advising as may be authorized by Council from time to time.

FIRE PERMIT shall mean approval in writing, in a format approved by the Village of Amisk, and shall include other information as may be required by the Fire Department.

FIRE WORKS shall mean the fire works listed in Class 7, Division 1, Class 7, Division 2 and Subdivision 1 and 2 in Section 14 of the Explosives Regulations (Canada).

FIREWORKS PERMIT shall mean an approved written application in the prescribed form set out by the Village of Amisk to sell, purchase or discharge as required, under the Alberta Fire Code 1997.

INCIDENT shall mean a fire or situation where a fire or an explosion is imminent, or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded.

INCIDENT COMMANDER shall mean that Member of the Fire Department responsible for Fire Department resources and actions at an Incident.

MEMBER shall mean any person that is a duly appointed member of the Fire Department, including those persons conscripted or who are asked to assist by the Fire Chief at an emergency.

OPEN FIRE shall mean any fire which is not an Acceptable Pit Fire, public park site fire and which, without limiting the generality of the foregoing, shall include grass fires, forest and brush fires, building fires, running fires, structure fires, wood scrap fires, and chattel fires.

PORTABLE APPLIANCE shall mean any appliance sold or constructed for the purpose of cooking food in the out of doors.

PROHIBITED DEBRIS shall mean any material that, when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes of by-laws written to protect and enhance the environment, and shall include, but are not limited to, materials described as:

- a. Animal cadavers
- b. Animal Manure
- c. Pathological waste;
- d. Non-wooden materials;
- e. Combustible material in automobiles and automobile bodies;
- f. Tires;
- g. Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
- h. Used oil;
- i. Wood and wood products containing substances for the purposes of preserving wood; or
- j. Household refuse.

PUBLIC PARK SITE FIRE shall mean a fire on land owned or leased by the Village of Amisk or its agents for recreational purposes and is confined to either a non-combustible container supplied by the Village of Amisk, as approved by the Fire Chief or a portable appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane. Such fires shall be maintained in a safe and reasonable manner and supervised at all times.

REGULATED OCCUPANCIES shall mean those businesses required to determine and to publicly post occupancy loads in accordance with the Alberta Fire Code 1997 and other regulations.

RUNNING FIRE shall mean a fire burning without being under the control of any person.

TOWN shall mean the Village of Amisk.

VIOLATION TICKET shall mean a ticket issued pursuant to Part II of the Provincial Offenses Procedures Act, RSA. 1998, c.P-21.5, as amended, and Regulation there under.

FIRE DEPARTMENT

2. Council, hereby authorizes the establishment of the Village of Amisk and the carrying out of its operation in the following manner:

- a. The Fire Department of the Village of Amisk shall consist of a Fire Chief, Members, building, Apparatus, and Equipment as is deemed necessary by Council from time to time to safeguard the safety, health and welfare of people and to protect people and property.
- b. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department will extend to the area and boundaries of the Village of Amisk, and no part of the fire apparatus shall be used beyond the limits of the municipality without permission of the Fire Chief or without the express authorization of a written contract or agreement providing for the supply of the fire fighting services outside the municipal boundaries.

FIRE CHIEF

3. The Fire Chief shall be appointed by Council.
4. Other Officers and Members as the Fire Chief deems necessary may be appointed to the Fire Department with the approval of Council
5. The Fire Chief may appoint other Officers of the Fire Department to act as Fire Chief on his behalf.
6. The Fire Chief may, upon the approval of Council, purchase or otherwise acquire Equipment, Apparatus, materials and supplies necessary for the operation, maintenance and administration of the Fire Department.
7. The Fire Chief shall perform such functions and have such powers and responsibility as the Chief Administrative Officer may, from time to time, prescribe.
8. The Fire Chief, subject to municipal policy, shall have complete and full authority over the Fire Department, its Members, its organization, administration and discipline and is responsible for the development, of rules, regulations, committees and policies necessary for the ongoing organization and administration of the Fire Department including:
 - a. Use care, and protection of Fire Department property; and
 - b. Efficient operations of the Fire Department
9. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Chief Administrative Officer to which the Fire Chief shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities such as Council directs including but not limited to:
 - a. Rescuer
 - b. Other incidents;
 - c. Pre-fire planning;
 - d. Disaster Planning; and
 - e. Preventive patrols.

10. The Fire Chief, or an Incident Commander at an incident, is empowered to cause a building, structure, or the thing to be pulled down, demolished, or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures, or objects.
11. The Fire Chief, or Incident Commander at an Incident may, at his discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
12. The Fire Chief, or an Incident Commander at an Incident, is empowered to allow the Fire Department to enter on any land or premises, including adjacent land or premises to combat, control, or deal with the incident in whatever manner the Fire Chief or an Incident Commander at an Incident deems necessary.
13. The Fire Chief, or the Incident Commander at an Incident may request persons who are not Members to assist in removing furniture, goods, and merchandise from any building or fire of in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other Incident where the Fire Chief or Incident Commander at their discretion deems it necessary to prevent the spread of fire, or for reasons of public safety.
14. The Fire Chief or incident Commander of an Incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an Incident and to authorize payment for such equipment.
15. The Fire Chief or Incident commander may obtain assistance from other officials of the Village of Amisk, or any outside agency, as deemed necessary, in order to fulfill duties and responsibilities under this Bylaw.
16. The Fire Chief shall be authorized to approve, with or without conditions, or refuse an application for a Fire Permit on Fireworks Permit.

CONSCRIPTION

17. The Fire Chief may, compel adults for the time being in the Village of Amisk to assist in the mitigation of any Incident.
18. Such conscripted Members shall only be utilized in a capacity determined at the sole discretion of the Fire Chief of Incident Commander.

REQUIREMENT TO REPORT

19. The Owner or authorized agent of a property damaged by fire shall immediately report the particulars of the fire to the Fire Chief in a manner and form satisfactory to the Fire Chief or his designate.
20. The Owner or authorized agent of any property containing a Dangerous Goods product or products which sustain accidental or unplanned release shall immediately report such spill or release to the Fire Chief in a manner and form satisfactory to the Fire Chief.

OPEN AIR FIRES

21. No person shall permit an Open Fire or any other fire upon land owned, occupied, or under their control within the Village of Amisk, unless a Fire Permit has been obtained, the provisions outlined on the permit are complied with, and Burnable Debris is burned.
22. Notwithstanding SECTION 21, a permit shall not be required under this Bylaw to conduct:
 - a. The cooking of food using a portable appliance;
 - b. Recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Fire Places, Provided:
 - i. Only clean fuel is used such as natural gas, dry wood, or charcoal in the amounts which will be contained within the fire pit or fire place below the mesh screen;
 - ii. The fire pit or fire place is not used to burn prohibited debris;
 - iii. A means, acceptable to the Fire Chief, or controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - iv. A responsible adult is present on the property when the fire is burning.
 - c. Burning in campgrounds and parks where fire places, stoves and fire pits are provided by or approved by the Village of Amisk.
 - d. Burning by the Fire Department for the purpose of training its Members or by having a controlled burn; or
 - e. Ground thawing fire by any utility company provided that notification is made to the Fire Department.

23. No person shall, without first obtaining written approval from the Fire Department, discharge any Fireworks within the limits of the Village of Amisk.
24. 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, S.A. 1992, C.E-13.3 any amendments thereto, or any Regulations made there under, 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.

PROCEDURE TO OBTAIN A FIRE PERMIT

25. Any person wishing to obtain a Fire Permit must apply to the Fire Chief during the normal business hours of the Fire Department in accordance with the policies approved by Council.
26. Without limiting the generality of SECTION 22, if a fire pit which was built prior to May 1, 2001 is not an Acceptable Fire Pit or if a fire place is not an Acceptable Fire Place, the Fire Chief may issue a variance if satisfied that the nonconforming fire pit or fire place can safely be used.
27. Fees for Fire Permits and services of the Department shall be approved by resolution of Council as required.
28. A Fire Permit shall not be transferable.
29. Fire Permits issued under this Bylaw are valid for such period of times as shall be determined by the Fire Chief and the Fire Permit shall have endorsed thereon the period of time, which the said permit is valid.
30. The Fire Chief may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired. The Fire Chief may at his sole discretion, cancel or suspend any Fire Permit issued and order that any fire set under the provisions of the Fire Department, be extinguished immediately.

FEEES

31. Council may set fees by resolution for any service provided by the Fire Department.
 - a. A town may recover such fees or charge as a debt due and owing to the Village of Amisk; or
 - b. In case of action taken by the Fire Department to mitigate or other emergency in respect of land and building within the Village of Amisk, where the fees or charges are not paid upon the demand by the Village of Amisk,, then in default of payment, such fees or charges may be charged against the land as taxes due and owing in respect to that land.

PROHIBITIONS

32. No person at an Incident shall impede, obstruct, or hinder a Member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or Incident Commander.
33. No person shall damage or destroy Fire Department Apparatus or Equipment.
34. No person shall enter the boundaries or limits of an area prescribed in accordance with SECTION 11 unless he has been authorized to enter by the Fire Chief or the Incident Commander.
35. No person at an Incident shall drive a vehicle over any Equipment without permission of the Fire Chief or the Incident Commander.
36. No person shall obstruct a Member from carrying out duties imposed by the Bylaw.
37. No person shall falsely represent themselves as a Fire Department Member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.
38. No person shall obstruct or otherwise interfere with access roads or street or other approaches to any fire alarm, fire hydrant, cistern, or body of water designated for fire fighting purposes or any connections provided to a fire main, pipe, standpipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.

PENALTIES

39. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provision of this Bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this Bylaw, shall be deemed to be guilty of an infraction of this Bylaw, and upon conviction is liable to imprisonment for a term of not more that 6 months or to a fine of not more than \$2,500 or to both fine and imprisonment.

INDEMNITY

40. 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 municipality in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

41. Any suit brought against the Fire Chief or a Member of the Fire Department, because of an act or omission performed by him in the enforcement of any provision of this Bylaw, shall be defended by the Village of Amisk until final determination of the proceedings.

EFFECTIVE DATE

42. This Bylaw shall come into effect upon the date of third and final reading

First Reading Nov 18, 2003

Second Reading Nov 18, 2003

Third & Final Reading Dec 10, 2003



MAYOR



MUNICIPAL ADMINISTRATOR