

SUMMER VILLAGE OF LARKSPUR FIRE BY-LAW 12-1

A BY-LAW OF THE SUMMER VILLAGE OF LARKSPUR IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR CONTROL OF FIRES AND FOR THE RECOVERY OF FIRE PROTECTION COSTS.

WHEREAS: the Municipal Government Act, R.S.A, 2000 C.M-26 as amended, provides that the Council of a Summer Village may pass a by-law for the safety, health and welfare of people, and the protection of people and Property, and for services provided by or on behalf of the Summer Village;

AND WHEREAS the Council of the Summer Village of Larkspur wishes to regulate and control the use and setting of Fires within the Summer Village;

AND WHEREAS the Council for the Summer Village of Larkspur wishes to provide for the recovery of Fire protection costs incurred by the Summer Village;

NOW THEREFORE, THE Council of the Summer Village of Larkspur, dully assembled, enacts as follows:

SECTION 1 NAME OF BY-LAW

- 1.1 This By-law may be cited as the "Fire ByLaw" .

SECTION 2 DEFINITIONS

2.1 In this By-Law

- a. "Council" means the Council of the Summer Village of Larkspur
- b. "Chief Administrative Officer" shall have the same meaning as in the Municipal Government Act R.S.A , 2000, C.M.-26 as amended or repealed from time to time.
- c. "Designated Officer" means a Designated Officer of the Summer Village of Larkspur whose authority includes inspections and enforcement of Summer Village of Larkspur bylaws.
- d. "Fire" means any combustible material in a state of combustion.
- e. "Firecrackers" means Firecrackers as defined in the Alberta Fire Code 1997.
- f. "Fire Department" means the Fire Department of the Westlock Regional Fire Commission and/or any other Fire or emergency service organization providing assistance to the Summer Village in the suppression of a Fire, whether pursuant to the terms of ban aid agreement or on an ad hoc basis.
- g. "Fire Department Property" means all Property owned or controlled by, and designated for use by, the Fire Department, regardless of the source of the Property.
- h. "Fire Hazard" means any condition, circumstance or event wherein the possibility of Fire is increased.
- i. "Fire Protection Services" means all aspects of Fire safety including but not limited to Fire prevention, Fire fighting or suppression, pre-Fire planning, Fire Investigation, public education and information training or other staff development and advising.
- j. "Fire Protection Charge" means any or all costs incurred by the Summer Village as a result of the provision of Fire Protection Services within the Summer Village under section 5 or 6 of this bylaw.
- k. "Illegal Fire" means any Fire which is in contravention of this bylaw.

- l. “Incident” means a Fire or a situation where an explosion is imminent or any other situation where there is a danger or possible danger to life or Property and to which the Fire Department has responded.
- m. “Member” means any person who is a duly appointed Member of the Fire Department, including a part-time Member or Volunteer officer.
- n. “Officer” means a Member appointed or acting in the capacity of Fire Chief or Deputy Fire Chief of a Fire Department.
- o. “Peace Officer” shall have the same meaning as in Provincial Offences Procedure Act , R.S.A 2000, c.P-34 as amended or repealed and replaced from time to time.
- p. “Property” means any real or personal property which, without limiting the generality of the foregoing, includes land and structures.
- q. “Recreational Fire” means a Fire set in a controlled setting for the exclusive purpose of providing light, warmth or the cooking of small food items.
- r. “Running Fire” means a Fire which has escaped its confinement or which is burning not being under proper or any control of any person.
- s. “Summer Village” means the Municipal Corporation of the Summer Village of Larkspur in the Province of Alberta and where the context requires, means all land situated within the corporate boundaries of the Summer Village.
- t. “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Procedures Act R.S.A 2000,c-P-34, as amended or repealed and replaced from time to time, and or regulations thereunder.
- u. “Alberta Fire Code” means the Alberta Fire Code 1997 as amended, or repealed or replaced from time to time.
- v. “ Authority having jurisdiction” in compliance with the Alberta Fire Code means an “Officer” of a Fire Department.
- w. Fireworks” means fireworks as defined in the Alberta Fire Code and includes both H and Low Hazard varieties.
- x. “High Hazard” means High Hazard fireworks as defined in the Alberta Fire Code.
- y. “Low Hazard” means all fireworks not classified as High Hazard under the Alberta Fire Code.

SECTION 3 POWERS OF MEMBERS OF A FIRE DEPARTMENT

- 3.1 Each Member and Officer shall have the authority and power to:
 - a. 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.
 - b. 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 any Fire.

SECTION 4 POWERS OF OFFICERS OF A FIRE DEPARTMENT

- 4.1 Each Officer shall have the power and authority to:
 - a. Commandeer and authorize payment for the possession or use of any equipment for the purposes of fighting the Fire.

- b. 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.
- c. 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 any Fire.

SECTION 5 FIRE PROTECTION CHARGES

- 5.1 FIRE PROTECTION CHARGES incurred by the Summer Village, directly or indirectly, as a result of providing Fire Protection Services within the Summer Village's boundaries may be recovered by the Summer Village from:
 - a) Any person causing or contributing to the Fire; or
 - b) The owner or occupant of any Property benefiting from the Fire Protection Services. If the person responsible for causing the fire, or the cause of the fire is unknown; and the above are jointly and severally liable for the Fire Protection Charge.
- 5.2 Fire Protection Charges shall be paid within sixty (60) days of being levied.
- 5.3 Collection of unpaid Fire Protection Charges may be undertaken by civil action in the court or competent jurisdiction, and any civil action does not invalidate any lien which the Summer Village is entitled to on the Property in respect of which the indebtedness is incurred.
- 5.4 The owner of a parcel to which Fire Protection Services are provided is liable for Fire Protection Charges incurred, and the Summer Village may add unpaid Fire Protection Charges to the tax roll of the parcel of land for which the services were provided.

SECTION 6 CONTROL OF FIRE HAZARDS

- 6.1 If the Council finds that within its municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a Fire Hazard, it may order the owner or the person in control of the land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the Summer Village.
- 6.2 If the council finds that the order it made pursuant to Section 6.1 has not been carried out, the Chief Administrative Officer or Designated Officer may enter onto the land with any equipment and any person Council considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.
- 6.3 The owner or occupant of the land on which work was performed pursuant to Section 6.2 shall, upon demand, pay to the Summer Village a Fire Protection Charge, and in default of payment of the Fire Protection Charge, the Summer Village may add the Fire Protection Charge to the tax roll of the said land, which forms a special lien against the land in favour of the Summer Village, from the date it was added to the tax roll.

SECTION 7 PERMITTED AND PROHIBITED FIRES

- 7.1 No person shall set, or cause to set, any Fire within the boundaries of the Summer Village except as otherwise provided for under this by-law.
- 7.2 No person shall burn, or cause to be burned, any structure, brush pile, garbage or other noxious substance or any volume of material larger than that normally associated with a typical recreational fire, within the boundaries of the Summer Village. The Summer Village will not issue a fire permit for these types of fires.
- 7.3 When a Fire is set in contravention of Section 7.1, 7.2 or 7.3 or during a Fire ban pursuant to Section 8.1 the owner or occupier of the land, or the person having control of the land upon which the Fire is lit shall:

- (1) extinguish the fire immediately, or
- (2) if unable to extinguish the Fire immediately, report the Fire to the Fire Department as soon as possible.

SECTION 8 FIRE BANS

- 8.1 The Chief Administrative Officer may, from time to time, prohibit all open Fires within the Summer Village, including Recreational Fires, when, in the discretion of the Regional Fire Chief the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 8.2 A Fire Ban imposed by the Chief Administrative Officer under Section 8.1 shall be in force either until the date established by the Regional Fire Chief in the notice provided to the public pursuant to Section 8.3 or until such time as the Chief Administrative Officer gives notice to the public that the ban has been lifted.
- 8.3 The Chief Administrative Officer shall give notice of the Fire ban in effect by causing signs to be posted at the entrance road to the Summer Village.
- 8.4 When a Fire ban is in place, no person shall ignite a Recreational Fire, or cause, or allow a recreational Fire to be ignited on his Property or Property under his/her control.

SECTION 9 GENERAL OFFENSES

- 9.1 No person shall:
 - a. Contravene any provision(s) of this bylaw
 - b. Deposit, discards or leave any burning matter or substance where it might ignite other material and cause a Fire.
 - c. Provide false, incomplete or misleading information to the Summer Village or the Fire Department on or with respect to a Fire.
 - d. Impede, obstruct, or hinder a Member or Officer of a Fire Department, or other person assisting or acting under the direction of the Officer or Member in charge at any incident.
 - e. Damage or destroy Fire Department Property
 - f. 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.
 - g. At an incident drive a vehicle over any Fire Department Property without the permission of the Officer or Member in charge.
 - h. Obstruct or otherwise interfere with access roads or streets or other approaches to any Fire Hydrant, cistern or body of water designated for Fire fighting purposes, or any connections provided to a Fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for Fire Fighting purposes.
 - i. Obstruct a Member from carrying out any function or activity related in any way to the provisions of Fire Protection Services.
 - j. Either directly, or indirectly, personally or through an agent, servant or employee kindle a Fire prohibited under this by-law, or let it become a Running Fire.

- k. Light a Recreational Fire without taking sufficient measures to keep the Recreational Fire under control at all times.
- l. Conduct an activity that involves the use of flame or heated materials that might reasonable be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring.
- m. Set a Recreational Fire, where smoke from that Recreational Fire will impede visibility of vehicular traffic and pedestrian on any road as defined in the Highway Traffic Act R.S.A. 2000, c.H-7, as amended, or repealed and replaced from time to time.
- n. Light any fire on lands owned or controlled by the summer village except with the express written consent from the summer village.

SECTION 10 PENALTIES

10.1 Any person who violates any provision of this bylaw is guilty of an offense under this bylaw, and upon a conviction, is liable to a fine as set by council from time to time.

SECTION 11 VIOLATION TICKETS

11.1 The Chief Administrative Officer, Designated Officer or a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedure Act R.S.A 2000, c P-34 as amended, or repealed and replaced from time to time, to any person the Chief Administrative Officer, Designated Officer, or Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

SECTION 12 LIABILITY

12.1 The Chief Administrative Officer, council members, designated Officer and the Officers and Members of any Fire Department are not liable for loss or damage caused by anything said or done or omitted to be done in the performance or intended performance of their functions, duties or powers unless the circumstance constitute dishonesty, gross negligence or wilful misconduct.

SECTION 13 GENERAL

13.1 This bylaw shall come into force on the date of final passing.

13.2 Should a section or part of this bylaw be found to be improperly enacted or ultr vires, for any reasons, then such section or part shall be regarded as being severable from the bylaw and the bylaw remaining after such severance shall be effective and enforceable.

Read A FIRST TIME this day of 2012

READ VA SECOND TIME this day of 2012

READ A THIRD TIME ABD FINALLY PASSED this day of 2012

Mayor

CAO

