



Town of Hinton
REGULAR MEETING OF COUNCIL
AGENDA
Tuesday, July 21, 2015 - 5:00 PM
Council Chambers, Hinton Government Centre
2nd Floor, 131 Civic Centre Road
Hinton, Alberta

TOWN COUNCIL MISSION
Council serves the interests of our citizens
to enable our community to reach full potential.

Page

ORDER

1. Call to Order

ADOPTION OF AGENDA

1. Regular Council Agenda - July 21, 2015

COUNCIL MINUTES FOR ADOPTION

3 - 6	1. Regular Meeting of Council Minutes - June 16, 2015
7 - 9	2. Standing Committee of Council Minutes - June 23, 2015
10 - 12	3. Standing Committee of Council Minutes - July 14, 2015

CITIZENS "MINUTE WITH COUNCIL"

- 1.

DELEGATIONS AND PRESENTATIONS

ACTION ITEMS

13 - 16	1. AMSC Energy Agreement Extension - Presented by Ewa Arsenault
17 - 18	2. Replace Utility Truck Unit #21 - Presented by Todd Martens
19 - 20	3. Replace Ladder Truck Unit #23 - Presented by Todd Martens
21 - 51	4. Fire Bylaw #1097 - Presented by Todd Martens / Ryan Alice
52 - 65	5. Fireworks Bylaw #1098 - Presented by Todd Martens / Ryan Alice

INFORMATION ITEMS

66	1. Council Information Package #1 - previously circulated June 17, 2015
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**Town of Hinton
Regular Meeting of Council
AGENDA
July 21, 2015
Council Chambers**

- 67 2. Council Information Package #2 - previously circulated June 24, 2015
- 68 3. Council Information Package #3 - previously circulated June 30, 2015
- 69 4. Council Information Package #4 - previously circulated July 15, 2015

REPORTS FROM MAYOR, COUNCIL, TOWN MANAGER

- 1. Council Reporting (Training/Conferences/CEAC, Listening Teams, All Other Committees)
- 2. Town Manager Report

ADJOURNMENT

- 1. Call for Adjournment of Meeting



TOWN OF HINTON REGULAR COUNCIL MEETING MINUTES June 16, 2015

PRESENT: Mayor Rob Mackin, Councillors Dale Currie, Ryan Maguhn, Marcel Michaels, Glen Barrow, Matthew Young
ABSENT: Councillor Stuart Taylor
SECRETARY: Lil Wallace - Executive Assistant
ALSO PRESENT: Mike Schwirtz - Town Manager
Denise Parent - Director of Corporate Services

ORDER

Mayor Rob Mackin called the Regular Council meeting to order. The time was 4:02 p.m.

ADOPTION OF AGENDA

Councillor Glen Barrow requested an item be added to the agenda:

“Possible Bylaw For Access Routes in Mobile Home Parks”

The Mayor stated this would become Action Item #5, and the Duke of Edinburgh Awards Presentation would become Action Item #6 as they were hosting a barbecue for the award recipients immediately following the meeting.

D. CURRIE - That the agenda of the Regular Council Meeting held June 16, 2015 be adopted as amended.

Carried

COUNCIL MINUTES FOR ADOPTION

1. Regular Meeting of Council Minutes - June 2, 2015
2. Standing Committee of Council Minutes - June 9, 2015

R. MAGUHN - That the Minutes listed above be approved as presented.

Carried

CITIZENS "MINUTE WITH COUNCIL"

There was no one wishing to speak to Council.

As Randy Smith had not yet arrived at the meeting, Delegation #2 was heard first.

DELEGATIONS AND PRESENTATIONS

1. Atco Gas - Presented by Glen Stalker, Senior Manager Edmonton North

Glen Stalker gave Council his presentation on Atco Gas and how they have served Hinton since 1957. He then explained the proposed franchise agreement and that it would have a 10-year

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minimum /20-year maximum term. He suggested an 11-year term because of the length of time it takes to achieve the final bylaw reading due to all the regulations and steps required.

2. Senior's Week Activities and Draws for Senior's Passport Prizes - Presented by Randy Smith

Randy Smith thanked the Mayor for proclaiming Seniors Week. He stated there were 19 events held this year. There was a total of 1471 participants over the week, which is up 400 from last year, average of 77 seniors per event, and 8 people attended all 19 events. The Mayor then made the draws for the three major prizes and the winners were announced.

ACTION ITEMS

Refer to the Regular Council Meeting Agenda package for [June 16, 2015](#) for detailed background information on these decisions.

1. Bylaw #1089 - Atco Gas Franchise Renewal Agreement

M. MAGUHN - That Council give Bylaw #1089 - 2015 ATCO Gas Franchise Renewal Agreement first reading, and the term of the agreement is to be extended to 11 years.

Carried

2. Charles and Beatrice Pambrum Appeal of Compliance Order Issued

M. YOUNG - That Council supports the appeal of Charles and Beatrice Pambrum respecting the compliance order issued May 27, 2015.

Carried

3. Athabasca Riverfront Park 2015 Pilot Project

M. YOUNG - That Council approve the Athabasca Riverfront Park 2015 Pilot Project with up to \$25,000 allocated from the Parks & Trails Infrastructure Reserve.

Carried

At this point of the meeting Council were introduced to the seniors that had joined the meeting after the draws had been made. Elaine Koch thanked council for their attendance at the various events. Council gave Randy Smith a round of applause for his work during Senior's Week.

4. Land Sale – Plan 102 4242, Block 11, Lot 1 (4060 Bradwell Street)

M. YOUNG - That Council accept the offer from Wilf Kwasny to purchase 4060 Bradwell Street (Lot 1, Block 11, Plan 102 4242) at a price and the terms/conditions as circulated and viewed by Council in Camera.

Carried

5. Possible Bylaw For Access Routes in Mobile Home Parks

Councillor Glen Barrow wants changes made to the bylaw that governs mobile home parks including the number of emergency exits required. Administration advised there are a number of areas in town that are no longer compliant with our bylaws and they are researching these with the intention of bringing this matter back to Council at a later date.

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G. BARROW - That Council direct Administration to research all options for the mobile home parks conditions and issues.

Carried

The Mayor advised that Action Item #6 would be heard after the reports so that the Duke of Edinburgh award recipients could receive their awards and then Council and the award recipients could move directly into the barbecue celebration after the meeting had been adjourned.

INFORMATION ITEMS

1. Council Information Package #1 - previously circulated June 3, 2015
2. Council Information Package #2 - previously circulated June 10, 2015

R. MAGUHN - That Council Information Packages #1 and # 2 be accepted for information.

Carried

REPORTS FROM MAYOR, COUNCIL, TOWN MANAGER

1. Council Reporting (Training/Conferences/CEAC, Listening Teams, All Other Committees)

Councillors reported on the various committees, meetings and activities they attended since the last Regular Council meeting and what they plan on attending in the coming weeks.

2. Town Manager Report

Town Manager Mike Schwirtz provided an update on administrative matters.

The mayor called for a short recess at 5:52 p.m. and the meeting reconvened at 5:59 p.m.

CONTINUATION OF ACTION ITEMS

6. Duke of Edinburgh Awards - Presented by Mayor Mackin and Cst. Deanna Alford

Constable Deanna Alford with the local RCMP spoke to Council about the Duke of Edinburgh Award Program. This international program was founded in 1956 and was established in Alberta in 1976.

Mayor Rob Mackin presented the award recipients their certificates and pins for successfully completing the bronze program. This year's recipients are:

- Shelby Bambrick
- Marshall Begon
- Adam Danis
- Thomas Kadatz
- Alexis Kvill
- Brittany Rosenberger

See <http://www.dukeofed.org/ab> for more information.

[Redacted]
Initial

ADJOURNMENT

M. YOUNG - That the Regular Meeting of Council adjourn.

Carried

The time was 6:28 p.m.

Mayor

Director of Corporate Services

[Redacted]
Initial



TOWN OF HINTON STANDING COMMITTEE OF COUNCIL MEETING MINUTES June 23, 2015

PRESENT:

Mayor Rob Mackin, Deputy Mayor Dale Currie
Councillors Dale Currie, Glen Barrow, Marcel Michaels, Matthew Young

ABSENT:

Councillors Stuart Taylor, Ryan Maguhn

SECRETARY:

Lil Wallace - Executive Assistant

ALSO PRESENT:

Denise Parent - Director of Corporate Services, Acting Town Manager
Town Manager Mike Schwirtz (arrived at 5:41 p.m.)

ORDER

Deputy Mayor Dale Currie called the Standing Committee Meeting to order. The time was 4:01 p.m.

ADOPTION OF AGENDA

There was consensus to accept the Standing Committee Meeting Agenda of June 23, 2015.

DELEGATIONS AND PRESENTATIONS**AB Innovates / Geothermal Power - Presented by Jonathan Banks**

Jonathan Banks told Council that Hinton is sitting on top of the best geothermal properties in Alberta. Thermal energy is extracted from the water and used directly as heat or converted to electricity. There are ten reservoirs in Alberta, and five are located around Hinton. The resource gets stronger the closer to the mountains.

The cost to obtain 3D photos, in order to determine the volume of energy available, would be approximately \$129,000. He is asking the affected municipalities to contribute up to half that amount (approximately \$65,000). Other communities have told him they would be willing to do their share if everyone else is also willing to do so. If one municipality is thinking of paying for it entirely, then the project could be tailored to that specific municipality.

The project could start in January, 2016 and is estimated to take one year. A demonstration plant could be up and running in three years, if all the capital funds were in place.

Council thanked him for his presentation.

There was consensus that Administration ensure a Letter of Intention is provided by August 1, 2015 and details worked out on either full or partial partnership, and bring the matter back to Council.

ACTION AND DISCUSSION ITEMS

Refer to the Standing Committee Meeting Agenda package for [June 23, 2015](#) for detailed background information on these decisions.

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Gateway Signage

There was consensus that Council direct Administration to bring back information on powder coating (reflective paint), and improving landscaping (zero maintenance if possible) for immediate results; with a line item added to the budget for long term results.

Process to Sell or Re-Zone Lands

Councillor Glen Barrow declared he was removing himself from the discussion as he had a possible conflict because of his business. He left the room at 5:13 p.m.

There was consensus that Council direct Administration to prepare a “business case” to install full/partial services at the Town campground and/or exit strategy to get out of the campground business by January, 2016.

The Chair called for a recess at 5:32 p.m. The meeting reconvened at 5:39 pm and Councillor Glen Barrow joined the meeting again at that time.

Incentive Program

The Mayor told Council he wanted to have a discussion on various ways to stimulate the economy and encourage business growth. By offering an incentive program such as that set out in his attachments, which is simple and easy to apply for, encourages new development and new jobs in the community. He stated that by delaying future revenue, the town would not be losing any money from the tax amount collected today as the total dollar amount would remain the same. This program shows that Council is doing their part to encourage business to grow.

Town Manager Mike Schwirtz joined the meeting at 5:41 p.m.

Council questioned if there truly is a need for a tax incentive program, and discussed some pros and cons to having it. The Mayor encouraged Council to have this discussion with citizens and chamber members. He stated Council needs to keep asking businesses what they can do to help them expand their businesses and see Hinton as an attractive place to work and live.

There was consensus that Council accept this report for information.

ADDITIONAL INFORMATION

Urgent Matters from Council

Councillor Glen Barrow enquired about water pressure in the Fir Avenue area and was advised that most of that area is private service. The residences that are hooked to town water do not have a water pressure issue. If there are concerns, those citizens should contact Gordie Lee, Director of Infrastructure Services at 780-865-6043.

Administration advised if there are any other operational concerns, citizens should contact 780-865-2634 so the matters can be taken care of by Administration.

[Redacted]
Initial

Councillor Dale Currie advised he has heard from several citizens that the mine truck should be moved but not to Green Square. He is still surveying where the majority of people want the truck to be located.

Town Manager Status Report

Town Manager Mike Schwirtz presented an update on the Council action pending list.

Council was advised that Administration is working with AB Transportation to repair Highway 16. It is anticipated the work will start either Thursday or Friday of this week and should take between 5 to 7 days to complete. During this time, the traffic will be redirected to a single lane.

Executive Assistant Logistics Information

Upcoming events logistics were discussed.

ADJOURNMENT

M. MICHAELS - That Standing Committee Meeting of Council adjourn.

Carried

The time was 6:20 p.m.

Deputy Mayor

Director of Corporate Services

[Redacted]
Initial



**TOWN OF HINTON
STANDING COMMITTEE OF COUNCIL
MEETING MINUTES
July 14, 2015**

PRESENT: Mayor Rob Mackin, Deputy Mayor Dale Currie, Councillors Marcel Michaels, Glen Barrow, Matthew Young, Stuart Taylor

ABSENT: Councillor Ryan Maguhn

SECRETARY: Rhonda West – Legislative & Administrative Services Coordinator

ALSO PRESENT: Mike Schwirtz - Town Manager; Laura Howarth – Director of Community & Protective Services

ORDER

Deputy Mayor Dale Currie called the Standing Committee Meeting to order. The time was 3:59 p.m.

ADOPTION OF AGENDA

There was consensus to accept the Standing Committee Meeting Agenda of July 14, 2015 as presented.

DELEGATIONS AND PRESENTATIONS

Trevor Haas spoke to Council, as a community member and mental health official, with respect to two matters relating to the Compliance Order issued by Bylaw Enforcement for 102 Aspen Street (June 16, 2015 Regular Council Meeting):

- During the June 16, 2015 Council meeting the word “insane” was used by Councillor Maguhn and Mr. Haas finds that very derogatory. There is a huge stigma around mental health and the use of that word by an official is appalling. He understood by what Councillor Maguhn most likely meant and hopes that councilors put some thought into the words that they choose to use. He also felt someone should have brought the matter up at the meeting and was disrespectful to staff and to community members that brought it to the attention of staff. Deputy Mayor Currie thanked him for coming and raising the issue. Mr. Haas encourages Councillor Maguhn to consider an apology to the community and challenges him to make some sort of apology for his conduct to help others think of the use of that term as well. Mr. Haas is advocating for people with mental illness where that word is used quite often. Acknowledgement would go a long ways to helping others understand. Mayor Mackin offered an apology on behalf of Council to Mr. Haas.
- The second matter was in relation to the decision made by Council in relation to the Compliance Order issued by Bylaw Enforcement. He would like to see Council reverse their decision. He made contact with mayors in other communities and felt that the decision made by Council was like cutting the knees off of your employee. Whether you like it or not it's a bylaw....a rule....a system of rules to govern behavior. Many lawmakers don't always agree with laws but they are bound by those laws and council changed it on the fly. It seems to him somewhat like micro-managing the staff. When he (Bylaw Officer) did go and do his job council told him that the law was wrong. If council is questioning what staff are doing all of the time it doesn't make for a secure work force. Do you trust your staff? How can he (Bylaw Officer) be consistent when council isn't consistent in their decisions? What does that say to community members? Why listen to staff when they (the public) can come to council to get a yes answer. Not a good trend he is seeing as a community member. Back up your staff – they know what they are doing. Council has to

Initial

follow the laws as they exist right now. If they don't like it then change the law. He hopes council listens to their staff and trust the work that they do. He is simply making his own observations as a community member.

ACTION AND DISCUSSION ITEMS

Refer to the Standing Committee Meeting Agenda package for [July 14, 2015](#) for detailed background information on these decisions.

Smoking in Outdoor Recreational Areas

There was consensus that Council accepts the report for information.

LAV III Monument Program

There was consensus that Council accepts the report for information.

Review Existing Town Events and Expand / Improve

There was consensus that Council accepts the report for information.

Parks & Recreation Advisory Committee

There was consensus that Council accepts the Mayor's verbal report for information.

Boundaries/Limits on Franchise Fee

There was consensus to invite a representative from Fortis to speak to Council about Franchise Fees and rate structures (current and future).

ADDITIONAL INFORMATION

Urgent Matters from Council

Councilors received clarification on items relating to Town boundaries and maps for the Beaver Boardwalk.

Town Manager Status Report

Town Manager Mike Schwirtz provided an update on current items.

Executive Assistant Logistics Information

ADJOURNMENT

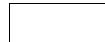
YOUNG - That Standing Committee Meeting of Council adjourn.

Carried

The time was 5:22 p.m.

Deputy Mayor

Town Manager



Initial

Initial



TOWN OF HINTON REQUEST FOR DECISION

DATE: July 15, 2015

TO: REGULAR MEETING OF COUNCIL OF JULY 21, 2015

FROM: Ewa Arsenault, Maintenance Services Supervisor

APPROVED BY: Mike Schwirtz, Town Manager

RE: AMSC Energy Extension Agreement

Recommendation:

That Town Council authorize the procurement of electricity and natural gas for the final two year term [2017-2018] through AMSC at a fixed rate through the wholesale market.

Concluding Statement

The wholesale markets continue to steadily move upward and the Town will benefit by procuring its energy for the final two years at a new fixed rate which will add stability and predictability when budgeting for our future electrical and natural gas needs.

Conformance of recommendation to existing laws and Hinton Council plans

Conforms with:	Yes/No/ Partial	Comments
Municipal and Provincial Laws	Yes	Town's have natural person powers allowing us to enter into purchase contracts.
Community Sustainability Plan	Yes	Currently the Town has purchased 15% green energy through the AMSC program. This will remain unchanged for the term of the agreement [2014-2018].
Council's Strategic Plan	Yes	In addition to administrations efforts to advance green technologies and retrofits in facility operations, the purchase of green energy promotes more sustainable energy development in Alberta.
Long Term Capital Plan or Adopted budget	Yes	Allows for stability and predictability when forecasting future operating costs of facilities. Prices for 2017 and 2018 may be within +/- 5% as shown on the attached summary.

Background / Introduction

In March 2013 Town Council authorized the 2014+ Aggregated Energy Agreement for procurement of electricity and natural gas for a term of three (3) years through AMSC; with the option of an additional two (2) years at a new fixed rate or floating rates. As rates continue to move in an upwardly direction, locking in the remaining two years is recommended.

The Alberta Municipal Services Corporation (AMSC) is a wholly-owned subsidiary of the Alberta Urban Municipalities Association (AUMA) that provides aggregated services to member municipalities, associates and not-for-profit organizations. The AMSC Energy Program was launched at the time Alberta deregulated its electrical utility industry in response to its members needs. The Town of Hinton has been a longstanding member of this program.

Options

1. Procure electricity and natural gas at a fixed rate for 2017 and 2018 with the AMSC Energy Program.
2. Procure electricity and natural gas at a fixed rate for 2017 through 2020 with the AMSC Energy Program.
3. Review rates closer to the third year [2016] to lock in a rate for 2017 and 2018.
4. Consider energy procurement from other wholesale market service providers for 2019 and 2020.

Administration Assessment of Options and Conclusion

With a few recent announcements from our new provincial government this is likely to continue putting significant upward pressure on Alberta's forward wholesale electricity prices:

- Speculation about a potential increase to the GHG emission penalty structure was confirmed when the NDP government recently announced they will increase these penalties from \$15/tonne to \$30/tonne by 2017.
- Additionally, they indicated their intention to review shortening the lifespan of Alberta's coal generation units from 50 to 40 years.

Administration recommends that we lock in the 2017 and 2018 rates now as allowed for in the five year contract signed with AMSC in 2013.

Town Manager Comments

Current indications lead us to believe that locking in the final two years of this five year agreement is the most cost effective decision for our community right now. Not only do we believe that this will guarantee us better rates for 2017 and 2018 it also provides us with some utility rate consistency over the next 3 years which allows for more accurate budgeting over that term.

Attachment

1. Customer Summary for Gas dated 2-June-2015
2. Customer Summary for Electricity dated 2-June-2015

Customer Summary



Town of Hinton

Pricing Date 2-Jun-2015

Customer Annual Load

Annual Customer Load 24,208 GJs

Recommended Hedge

	GJs	Coverage Ratio	Over Hedge	Under Hedge
Fixed Hedge	2,017.3402	100%	0%	

Deal Term and Load

Term Begin	Term End	Your Consumption (GJs)
Jan-17	Dec-17	24,274
Jan-17	Dec-18	48,482
Jan-17	Dec-19	72,691
Jan-17	Dec-20	96,965

Pricing

Term Begin	Term End	Fixed
Jan-17	Dec-17	\$3.47
	Dec-18	\$3.55
	Dec-19	\$3.61
	Dec-20	\$3.69

Consumption Profile



Customer Summary



Town of Hinton

Pricing Date 2-Jun-2015

Customer Annual Load

Annual Customer Load	4,212	MWh
HL (7X16) Load Hours	2,631	MWh
Light Load Hours	1,581	MWh

Recommended Hedge

	MW	Coverage Ratio	Over Hedge	Under Hedge
7X24 Hedge	0.3950	82%		18%

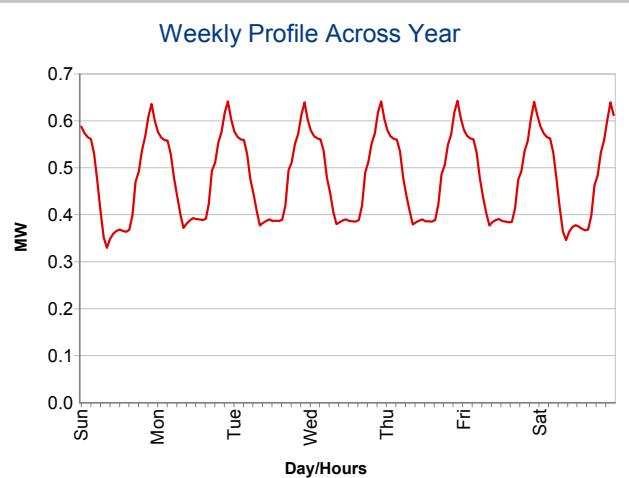
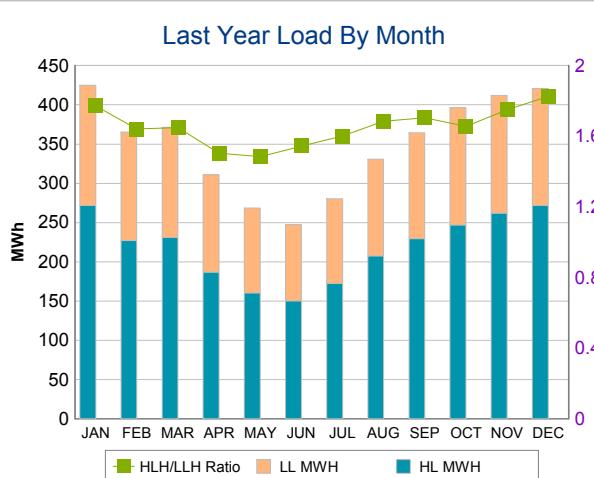
Deal Term and Load

Term Begin	Term End	Your Consumption (MWh)
Jan-17	Dec-17	4,224
Jan-17	Dec-18	8,436
Jan-17	Dec-19	12,648
Jan-17	Dec-20	16,871

Pricing

Term Begin	Term End	7X24 Block
Jan-17	Dec-17	\$48.06
	Dec-18	\$49.58
	Dec-19	\$51.08
	Dec-20	\$52.60

Consumption Profile





TOWN OF HINTON

REQUEST FOR DECISION

DATE: July 14, 2015

TO: **REGULAR MEETING OF COUNCIL OF JULY 21, 2015**

FROM: Todd Martens, Fire Rescue & Bylaw Services Manager

REVIEWED BY: Laura Howarth, Director of Community & Protective Services

APPROVED BY: Mike Schwirtz, Town Manager

RE: **Replace Utility Truck Unit #21**

Recommendation

That Council approves the replacement of Utility Truck #21 for a total of \$46,370 that is to be fully purchased by the Town of Hinton from the Fire Rescue Equipment Reserve.

Concluding Statement

Replacing the Utility Truck #21 ensures the safety of our members and community. A safe workplace and community is maintained, municipal infrastructure is protected and regional collaboration is maximized.

Conformance of recommendation to existing laws and Hinton Council plans

Conforms with:	Yes/No/ Partial	Comments
Municipal and Provincial Laws	N/A	
Community Sustainability Plan	Yes	Wellness: Develop a safe and healthy community that promotes positive, constructive lifestyle choices.
Council's Strategic Plan	Yes	The safety and social well being through support and care of its residents.
Long Term Capital Plan or Adopted budget	Yes	Hinton Fire Rescue Capital Expenditure Plan 2013-2043
Other Plans or Policies	Yes	The current Emergency Services Agreement with Yellowhead County identifies a 50% cost share for capital items. The Town's 50% share is fully funded from the Fire Rescue Fleet Equipment Reserve and can be fully funded within existing available resources.

Background / Introduction

This item is before Council to approve the purchase of Utility Truck #21 identified in the protective equipment capital replacement schedule which was based on industry best practices and the National Fire Protection Association (NFPA) guidelines; this was the foundation for setting the most recent approved Capital Plan in the 2013 Emergency Services Agreement with Yellowhead County.

Options

- Option # 1: Replace Utility Truck #21
- Option # 2: Repair and maintain existing Utility Truck #21
- Option # 3: Accept for Information - take no action

Administration Assessment of Options and Conclusion

1. Utility trucks and command vehicles are on a 7 year replacement schedule. Unit 21 is now an 11 year old, 2003 Ford F250 with 180,000 km. Purchasing a new, more fuel efficient pick up (for \$46,370) would have it be used more often as the first responding command vehicle. NOTE: Yellowhead County has indicated they may request a retroactive cost share recovery of this purchase during their 2016 capital budget process.
2. Currently, Utility Truck 21 has numerous mechanical issues including tires, wheel bearings, tie rod ends, and front end suspension. Fixing all of this would be a great expense (both initially and continued annually) as the truck is already well past its lifecycle.
3. Continue to run the existing Utility Truck 21 on a limited basis.

Town Manager Comments

This is a life cycle replacement that will help to extend the life of the second utility truck by sharing the load of first response.

We have been working on an agreed upon capital replacement decision making process with YHC as per the Emergency Services Agreement. We expect that process to be finalized and a detailed review of the capital replacement schedule to be completed in the fall of 2015 in preparation for the 2016 budget year. Once completed YHC may build the 50% cost of this vehicle into their 2016 Capital plan and reimburse us at that time.



TOWN OF HINTON REQUEST FOR DECISION

DATE: July 14, 2015

TO: **REGULAR MEETING OF COUNCIL OF JULY 21, 2015**

FROM: Todd Martens, Fire Rescue & Bylaw Services Manager

REVIEWED BY: Laura Howarth, Director of Community & Protective Services

APPROVED BY: Mike Schwirtz, Town Manager

RE: **Replace Ladder Truck Unit #23**

Recommendation

That Council approve the purchase of a demo ladder truck for a total of \$1,000,000 that is to be cost shared at 50% with Yellowhead County.

Concluding Statement

Replacing the 1991 ladder truck ensures the safety of our community and residents. A safe community is maintained, municipal infrastructure is protected and regional collaboration is maximized.

Conformance of recommendation to existing laws and Hinton Council plans

Conforms with:	Yes/No/ Partial	Comments
Municipal and Provincial Laws	N/A	
Community Sustainability Plan	Yes	Wellness: Develop a safe and healthy community that promotes positive, constructive lifestyle choices.
Council's Strategic Plan	Yes	The safety and social well being through support and care of its residents.
Long Term Capital Plan or Adopted budget	Yes	Hinton Fire Rescue Capital Expenditure Plan 2013-2043.
Other Plans or Policies	Yes	The current Emergency Services Agreement with Yellowhead County (YHC) identifies a 50% cost share for capital items. The Town's 50% share is fully funded from the Fire Rescue Equipment Reserve and is within existing available resources.

Background / Introduction

This item is before Council to approve the purchase of the ladder truck which is identified on the protective equipment capital replacement schedule based on industry best practices and the National Fire Protection Association (NFPA) guidelines. Ladder trucks are on a 20 to 25 year replacement schedule. The current ladder truck (Unit #23) is a 1991 Pierce Aerial that is nearing the end of its lifecycle.

Options

- Option # 1: To purchase a Demo Ladder truck (for approx. \$1,000,000)
- Option # 2: To purchase a used 9 year old ladder truck (for approx. \$700,000)
- Option # 3: Take no action – keep existing ladder to lifecycle end.

Administration Assessment of Options and Conclusion

1. Purchasing a demo ladder truck will protect the Town's current Fire Underwriter Rating. It will also increase the current ladder from 65' to 78' which will help with 3 story buildings rescue and fire suppression capabilities. This will be 50% cost shared with Yellowhead County as per the Emergency Services Agreement.
2. Purchasing a used truck would be in the 9 year old range and cost approximately \$700,000. There is no guarantee as to its overall condition and no warranty to cover any defects. This option is not supported by Yellowhead County.
3. Retaining status quo will remove the ladder truck from the fleet by the end of the year by the fire underwriter's survey rating as it will be over 25 years old. This will probably lead to increased insurance premiums for the Town and its residents as it is one of the variables used to determine risk to the insurer. Replacement parts are no longer available and will have to be custom ordered. This could limit the ability to do rescues and fight fires throughout the service area.

Administration has reviewed many scenarios with Yellowhead County for the ladder truck replacement and the recommendation is to proceed with option #1.

Town Manager Comments

The current ladder truck has reached the end of its life expectancy. The replacement apparatus needs to be on site by December 31, 2105 or we jeopardize our fire underwriters rating as the current truck will have to be removed from service.



TOWN OF HINTON REQUEST FOR DECISION

DATE: July 7, 2015

TO: **REGULAR MEETING OF COUNCIL OF JULY 21, 2015**

FROM: Ryan Alice, Community Peace Officer and;
Todd Martens, Fire Rescue & Bylaw Services Manager

REVIEWED BY: Laura Howarth, Director of Community & Protective Services

APPROVED BY: Mike Schwirtz, Town Manager

RE: **Fire Bylaw #1097**

Recommendation:

1. *That Fire Bylaw #1097 receive first reading;*
2. *That Fire Bylaw #1097 receive second reading;*
3. *That Fire Bylaw #1097 receive unanimous consent for third reading;*
4. *That Fire Bylaw #1097 receive third and final reading; and*
5. *That Council provide a grace period to the end of Fire Prevention Week in October, 2015 waiving the \$25.00 permit fee for residential firepit owners.*

Concluding Statement

Accepting Fire Bylaw #1097 (Attachment 1) ensures the safety of our residents and visitors including their ability to enjoy their neighbourhoods and public spaces by enhancing our fire prevention measures, ensuring recreational and open air burning is done so in a safe, regulated and permitted manner and that our Fire Rescue & Bylaw Services Department may continue to work without hindrance or obstruction through supported law when called upon.

Conformance of recommendation to existing laws and Hinton Council plans

Conforms with:	Yes/No/ Partial	Comments
Municipal and Provincial Laws	Yes	Municipal Government Act S.7 a council 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) People, activities and things in, on or near a public place or place that is open to the public; Enhancement to existing Bylaw # 781 and amendments thereto (Attachment 2) and Bylaw #1025 (Attachment 3). Fire Permitting enhancements to be similar to Provincial requirements as found in the Forest and Prairie Protection Act.

Community Sustainability Plan	Yes	Wellness: Develop a safe and healthy community that promotes positive, constructive lifestyle choices. Governance: Ensure local governments and authorities are responsive to the needs of the community.
Council's Strategic Plan	Yes	The safety and social well being through support and care of its residents.

Background / Introduction

This bylaw is before Council to receive first, second, unanimous consent and third and final readings as part of the Town of Hinton's regulatory Bylaw Review cycle.

This includes changes to supporting definitions, a more in depth and comprehensive section regulating any type of open burning within Town of Hinton limits, regulations prohibiting any person from burning on public land within Town limits (outside of a Town approved, maintained and installed fire receptacle) and better service and discretion options with respect to Offence Tickets for our Officers which includes the addition of a penalty schedule and the ability to issue fines and orders with respect to burning in Town limits which previously required all matters to go to Court.

Enhancements also include new permitting requirements for recreational fire pits, which will require a person to have a site inspection to ensure the fire pit or receptacle is compliant with the guidelines set forth in this bylaw. The inspection is at a onetime only cost of \$25.00 and the permit is then good for the time the permit holder lives/owns the location to which the permit is issued.

Other changes brought forward combine the original Fee's schedule into the Fire Bylaw to allow for easier access and continued maintenance of the fees schedule through one single document. There are also defined powers and authorities for Enforcement Officers and Department Chief Officers, and more protective regulation with respect to the department operations on a scene and the interface with the general public as such.

Options

- Option #1: Accept for information - remain status quo (#781 and amendments and #1025);
- Option #2: Give Bylaw #1097 first, second, unanimous consent and third and final reading as presented;
- Option #3: Make changes to draft Bylaw #1097;
- Option #4: Give Bylaw # 1097 first and second reading.

Administration Assessment of Options and Conclusion

1. Currently, the Town of Hinton Fire Bylaw #781 and its amendments have limited regulations with respect to fire operations and burning within the Town of Hinton limits. This includes not having provisions for enforcement Officers to take action within the bylaw, recommended but not regulated requirements for fire pits and limited fire protection regulations on public lands within Town limits. The current Fire Bylaw also does not include a specified penalty option which requires all offences under the bylaw to be sent to the Courts for prosecution with possibility of severe fine amounts being issued.
2. Passing this bylaw would increase our commitment to public safety and wellness by ensuring our definitions are concise, that fire pit regulations are exact and enforceable, and that our Enforcement Officers have the legislated authority to act under the regulations of the bylaw. Passing this bylaw will give an immediate requirement to residents wishing to have recreational fires to obtain a permit for their fire pits. Passing this bylaw will also bring into one

document the regulatory bylaw and the Fire Department Fees schedule allowing for easier access, reference and maintenance of the fees schedule through one document.

3. Council may amend the proposed Bylaw. Administration will provide implications on amendments at the time Council creates them.
4. This would allow for approximately three weeks of public consultation with Third Reading scheduled for August 18, 2015.

Town Manager Comments

Recent complaints have brought to the forefront the fact that we need a bylaw which outlines the requirements for recreational fire permits. We have long standing inconsistent practices with respect to fire pits in our community. This Bylaw moves us more in line with what other municipalities are doing to regulate recreational fire pits.

Attachments

1. Draft Fire Bylaw #1097
2. Fire Bylaw #781 and Amendments (4)
3. Fire Bylaw #1025 Fees Schedule



BYLAW #1097
A BYLAW OF THE TOWN OF HINTON
IN THE PROVINCE OF ALBERTA TO REGULATE SAFETY,
HEALTH, WELFARE AND PROTECTION OF PEOPLE AND PROPERTY
IN THE TOWN OF HINTON

WHEREAS the *Municipal Government Act*, Chapter M-26, R.S.A. 2000 and amendments thereto, provides for the regulation, safety, health, welfare and protection of people and property;

AND WHEREAS it is deemed necessary to implement and enforce regulations and controls regarding such;

NOW THEREFORE the Municipal Council of Hinton, Alberta, in session duly assembled enacts as follows:

1. That this Bylaw be cited as "The Fire Bylaw".

DEFINITIONS

2. In this Bylaw, unless the context otherwise states:
 - a) "Apparatus" shall mean any Fire Department vehicle, or where applicable any other vehicle in use when dealing with an incident or emergency.
 - b) "Council" means the Municipal Council of Hinton, Alberta;
 - c) "Direction" shall mean a verbal or written direction to remedy a contravention of this bylaw, an unsafe occurrence with respect to this bylaw or an emergency.
 - d) "Emergency" shall mean any situation in which there is imminent danger to public safety or of serious harm to property.
 - e) "Equipment" shall mean any tool, contrivances, devices or materials used by the Fire Department to combat and incident or emergency.
 - f) "Fire Chief" shall mean a member appointed as head of the Fire Department.
 - g) "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.
 - h) "Fire Department" shall mean the Town of Hinton Fire Rescue & Bylaw Services Department, its Chief Officers, Officers and members and support staff.
 - i) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
 - (i) a sidewalk, including a boulevard adjacent to the sidewalk;
 - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
 - (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be.
 - j) "Incident" shall mean any call for service by the Fire Department in which there may be immediate or possible risk of injury or damage to any person or property as designated by the Fire Chief or his designate in charge and shall include any "Emergency".
 - k) "Member" shall mean any person that is a duly appointed member of the Fire Department whether full time, paid-on call or volunteer.
 - l) "Outdoor Recreational Fire" shall mean an outdoor fire used for recreational purposes within an approved fire pit or device to which a permit has been issued by the Fire Department.

- m) "Owner" shall mean a person having the powers and authority of ownership over a property and is the registered owner of the property under the Land Titles Act;
- n) "Peace Officer" shall mean a Community Peace Officer, Bylaw Enforcement Officer, a member of the R.C.M.P and for the purposes of enforcing the provisions of this bylaw the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or their designate.
- o) "Permit" shall be a permit issued by the Fire Chief or his designate for any type of burning within the Town of Hinton limits.
- p) "Permitted Outdoor Fire" shall mean an outdoor fire not considered an outdoor recreational fire and authorized by permit through the Hinton Fire Department and may include, but is not limited to brush piles, open burns and burn barrels.
- q) "Person" shall mean a company, corporation, owner, partnership, firm, association, society or party;
- r) "Property" shall mean lands or buildings, premises or structures and shall include a dwelling;
- s) "Refuse" shall mean rejected or worthless matter or debris, rubbish or trash and shall include prohibited waste as defined in the Town Refuse Bylaw as amended from time to time;
- t) "Seasoned Firewood" shall mean untreated wood that has been air dried for a minimum of six (6) months including summer months and has a moisture content of 25% or less and shall include wood pellets.
- u) "Town" shall mean the Town, City or Municipality of Hinton, Alberta;
- v) "Vehicle" shall mean a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid. For the purposes of this bylaw "Vehicle" shall include any Off highway Vehicle as defined by the Traffic Safety Act of Alberta which may be amended from time to time.
- w) "Wood Burning Appliance" shall mean a fireplace, fireplace insert, wood stove, heater, burner, boiler, furnace, masonry heater, pellet stove or similar device;

SEVERABILITY

3. It is declared notwithstanding that any section or sections of this Bylaw or parts thereof, may be found by any court to be bad or illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this Bylaw are independent of one another and enacted as such.

FIRE DEPARTMENT OPERATIONS

4. The Fire Chief may appoint other Officers of the Fire Department to act as Fire Chief on his behalf.
5. Members and Officers may be appointed to the Fire Department as the Fire Chief deems necessary.
6. The limits of the jurisdiction of the Fire Department will extend to the boundaries of the Town of Hinton, and no part of the fire apparatus shall be used beyond the limits of the Municipality. However, upon a request being made of the Fire Department for use of the fire equipment, apparatus and manpower outside of the limits of the Municipality, or in accordance with any existing MOU with another Organization, Municipality or Government Agency the Fire Chief or his designate shall have authority to authorize such use as deemed necessary. At all times regardless of existing MOU's or requests the Fire Chief or his designate shall ensure the Town of

Hinton maintains sufficient and adequate fire protection coverage in the form of apparatus, equipment and manpower.

7. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction of Council, and shall be responsible for all fire protection activities including, but not limited to rescue, fire suppression, pre-fire planning, fire prevention and education and other incidents or emergencies as they may occur.
8. The Fire Chief may establish rules, regulations, policies and committees necessary for the proper organization of the Fire Department including but not limited to:
 - (a) Use, care and protection of Fire Department property.
 - (b) The conduct and discipline of Officer's and Members and;
 - (c) Efficient operations of the Fire Department.
9. The Fire Chief or his designate shall have complete control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident.
10. Where a Member is in charge of an incident he shall continue to act as such until relieved by an Officer of a higher rank.
11. The Fire Chief or his designate shall take responsibility for all fire protection matters including the enforcement of the Safety Codes Act and its Regulations as amended from time to time.
12. The Fire Chief shall report to the Town Manager or their designate, and be responsible to Council for the operations of the Fire Department or for any other matter as designated by Council.
13. Officer and Members shall carry out the duties and responsibilities of the Fire Department as directed by the Fire Chief.
14. The Fire Chief or his designate in charge at an incident is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
15. The Fire Chief or his designate in charge at an incident is empowered to enter any premises or property where an incident is occurring or has occurred and to cause any Member, apparatus or equipment to enter said premises or property as deemed necessary to control and mitigate the incident.
16. The Fire Chief or his designate in charge at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause any member, apparatus, equipment or any other person or thing assisting as necessary to enter, pass through or over buildings or property to gain access to the incident or to protect any other persons or property as he deems fit.
17. The Fire Chief or his designate at an incident may obtain assistance from any other Official of the Municipality as he deems necessary in the discharge of his duties under this bylaw.

18. The Fire Chief or his designate in charge of an incident or emergency is empowered to take whatever actions or measures are necessary to eliminate the incident or emergency. This may include but is not limited to the commandeering of privately owned equipment and services.
19. A person who;
 - (a) receives an oral or written order under this section requiring the person to provide labour, services, equipment or materials must comply with the order;
 - (b) who provides labour, services, equipment or materials under this section who did not cause the incident or emergency is entitled to reasonable remuneration from the Municipality;
 - (c) causes the incident or emergency is liable for the expenses and costs of the actions or measures taken, including the remuneration referred to in subsection (b) as an amount owing to the Municipality and may include any fines or penalties prescribed by this or any other bylaw, Act or Regulation as may be applicable.
20. The Fire Chief or his designate in charge at an incident is empowered to establish boundaries or limits and keep persons from entering the area within the prescribed boundaries.
21. No person at or near an incident shall;
 - (a) enter the boundaries or limits of an area prescribed in accordance with Section 16 unless they have been authorized to enter by the Fire Chief or his designate in charge.
 - (b) stop or park any vehicle at or near any fire, accident, or emergency scene.
 - (c) impede, obstruct or hinder any Member of the Fire Department or any other member of any agency or organization or any person called upon to assist at the incident by the Fire Chief or his designate in charge.
 - (d) drive a vehicle over any equipment without expressed permission from the Fire Chief or his designate in charge.
 - (e) tamper with, damage, destroy or otherwise interfere with any apparatus or equipment in use at or near an incident.
22. A Peace Officer may at his discretion or at the direction for the Fire Chief or his designate in charge at an incident, enforce the provisions of Section 21. This may include but is not limited to the removal of any person or vehicle that may be found in contravention of Section 21.

PERMITTED OUTDOOR FIRE (OPEN AIR FIRES)

23. No person shall conduct open burning within the limits of the Town of Hinton unless he or she has obtained a permit from the Fire Chief or his designate. Permitted outdoor fires (open air fires) do not include barbecues, recreational outdoor fire pits or wood burning appliances.
24. Any person conducting a permitted outdoor fire must;
 - (a) keep a copy of the permit on site;
 - (b) produce a copy of the permit upon request to any Peace Officer or Fire Department Member upon request;

- (c) obey all conditions of the permit which may include but is not limited to the size of the burn, what materials may be burned, wind speed restrictions, fire fighting equipment requirements and any other condition deemed reasonable by the permit issuer;
- (d) subsequent to subsection (c) a permitted outdoor fire will not exceed a size of 2m by 2m;
- (e) immediately cease and extinguish all burning if any condition of the permit changes. If permit conditions change the permit holder must contact the Fire Department for re-inspection;
- (f) at the direction of any Peace Officer, the Fire Chief or his designate immediately and completely extinguish the fire.

25. Any person responsible for an open air fire whether by permit or not is wholly responsible for any damages, loss, injury or death that may occur as a result of the burning. As well as any expenses or costs associated with extinguishing the fire or any other fire caused by the open burn.

26. A Peace Officer, the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or his designate may at any time immediately revoke a permit issued under Section 23 of this bylaw if reasonable and probable grounds exist to do so. Any person continuing to burn after a permit has been revoked will be considered to be in contravention of this bylaw and subject to penalties as such.

OUTDOOR RECREATIONAL FIRE

27. No person shall maintain an outdoor recreational fire unless the fire is contained within an approved fire pit and a permit has been issued by the Fire Chief or his designate.

28. Approved fire pits shall be inspected by the Fire Chief or his designate and shall be;

- (a) at a minimum of three (3) meters from any building, structure, fence, trees or shrubs or any other combustible material;
- (b) No more than one (1) meter wide;
- (c) Made of a non-combustible material such as brick, concrete or heavy gauge metal;
- (d) Covered with a mesh screen made of non-combustible material designed to prevent the spread of sparks with openings no larger than 1.25 centimetres.

29. Outdoor recreational fire pit permits shall be issued by the Fire Chief or his designate and shall be valid for the duration of the permit holder's residency at the location named on the permit. Changes to the fire pit or in ownership of the property shall require a re-inspection of the fire pit and property. An outdoor recreational fire permit shall not be issued to a tenant of any property without the expressed permission of the land owner. Any changes made from the permit to the conditions of the outdoor recreational fire location will immediately cause the permit to become invalid.

30. No person shall burn in an outdoor recreational fire any refuse.

31. A person shall only burn seasoned firewood in an outdoor recreational fire.

32. Any person responsible for an outdoor recreational fire whether by permit or not is wholly responsible for any damages, loss, injury or death that may occur as a result of the burning. As well as any expenses or costs associated with extinguishing the fire or any other fire caused.

33. Any person responsible for an outdoor recreational fire must upon request produce to any Peace Officer, Fire Chief or his designate a copy of a permit issued by the Fire Department and valid for the location in which the fire is held.
34. A Peace Officer, the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or his designate may at any time immediately revoke a permit issued under Section 26 of this bylaw if reasonable and probable grounds exist to do so. Upon being revoked an outdoor recreational fire pit will be considered in contravention of the bylaw until such time a permit is granted again.
35. A Peace Officer, the Fire Chief, the Deputy Fire Chief, Fire Prevention Officer or his designate may order at any time if reasonable and probable grounds exist to do so, the removal of any outdoor recreational fire pit or container. Any person who refuses to comply with this order will be considered to be in contravention of this bylaw and may be subject to penalties as such.

GENERAL PROHIBITIONS

36. No person shall:
 - (a) damage, destroy or tamper with Fire Department apparatus, equipment or property;
 - (b) obstruct, hinder or prevent any Member or person assisting any Member from or while carrying out their duties imposed by this bylaw or as Directed by the Fire Chief or his designate;
 - (c) obstruct or otherwise interfere with any access roads, streets or approaches to any fire incident, fire hydrant, connections, pipes, stand pipes, sprinklers systems, cisterns or any other body of water or water delivery system designated for fire fighting purposes;
 - (d) falsely represent himself as a Fire Department Member either verbally, by writing, or by displaying or wearing of any Fire Department badge, cap, button, insignia or other paraphernalia for the purposes of such false representation;
 - (e) permit or cause to permit a fire to be lit or maintained on any public land within the Town of Hinton unless done so within the confines of a Town of Hinton approved, installed and maintained fire pit or barbecue;
 - (f) under the age of eighteen (18) be considered a responsible or competent person in charge of a fire;
 - (g) cause, permit or engage in any activity likely to cause, or which does cause a fire;
 - (h) conduct ground thawing activities within the Town of Hinton without first obtaining permission from the Fire Chief or his designate;
 - (i) allow a fire to burn in such a manner that it causes an immediate risk to health, safety and property;
 - (j) refuse to immediately extinguish any fire as directed by any Peace Officer, the Fire Chief or his designate;
 - (k) allow a fire to burn contrary to any fire advisories or bans implemented by the Fire Chief or his designate;
 - (l) Obstruct, interfere with or hinder a Peace Officer or any person who the Peace Officer may call upon to assist in the performance of his duties pursuant to this bylaw.

ENTRY FOR INSPECTION OR ENFORCEMENT

37. A Peace Officer, the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or his designate may at any reasonable time enter onto a property, premises or place, not including a dwelling, to inspect

that property, premises or place for compliance under Sections 23, 24, 26 and 27 of this bylaw. When possible reasonable notice will be given to the owner, tenant or person in control of the property, premises or place prior to entry.

38. A Peace Officer, the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or his designate may at anytime enter onto a property, premises or place, not including a dwelling, were reasonable and probable grounds exists to believe that a contravention of this bylaw is occurring that is causing or is likely to cause risk, injury or damage to life or property. Nothing in this Section will prohibit, restrict or impede any reasonable or expected response by an emergency service within the Town of Hinton from entering a dwelling or any other property or premises during times of emergency or requests for assistance as found within any other Federal, Provincial or Municipal Act, Regulation or Bylaw.

FIRE DEPARTMENT SERVICE FEES

39. Fire Department service fees shall be charged accordingly as found in Schedule "B" of this Bylaw as amended from time to time.

FALSE ALARMS

40. Upon receipt of a second and any subsequent false alarms to any residence, business, structure, property or premises by the Fire Department shall result in a service fee charge as found in Schedule "B" of this Bylaw as amended from time to time.

PENALTIES

41. Any person who contravenes any part or fails to comply with any notice, order or permit issued pursuant to this Bylaw may be charged with an offence and may be liable to a fine or penalty on summary conviction for a breach thereof, to a penalty not exceeding Two Thousand Five Hundred (\$2,500.00) Dollars, exclusive of costs and in case of non-payment of the penalty and costs of such breach, to punishment by imprisonment for any period not exceeding six (6) months.
42. 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, who neglects to do or refrain from doing anything required to be done by any of the provisions of this Bylaw may be charged with an offence and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.
43. A Peace Officer may, as he sees fit use his discretion to determine the enforcement action taken as warranted. Including the decision to serve upon a person a Municipal Offence Ticket, a Summons as found in Part 2 of the *Provincial Offences Procedures Act* or where necessary a verbal or written order or both penalty and order were deemed necessary. Where appropriate a Part 2 Summons will include a voluntary payment option in the amount as found in Schedule "A".

OFFENCE TICKETS

44. Any Peace Officer may enforce the provisions of this Bylaw and may issue a municipal offence ticket to any person found to have committed a breach of the Bylaw. The municipal offence ticket shall state the alleged offence, Bylaw Number and voluntary payment option in the amount as found in Schedule "A".
45. An Offence Ticket may be issued by personally serving it upon the offender, by leaving it at the residence of the offender with a person who appears to be 18 years of age or older, by leaving it at the residence of the offender posted in a conspicuous place or by sending it by ordinary mail to the address of the offender.
46. The provisions of this section are an initial alternative to a summons under Section 36 of this Bylaw. If an Offence Ticket is issued and payment is not made within Thirty (30) days, an additional sum of \$10.00 shall be added to the appropriate fine indicated on the offence ticket. After the time limit for payment of the offence ticket, the Peace Officer may allow a further period of grace within the appropriate fine and the additional \$10.00 may be accepted.
47. If a cheque is given in payment for an offence ticket, which results in non-sufficient funds, the offense for which the cheque was issued for shall remain in effect. In such cases, the town may apply a penalty fee on NSF cheques received by the Town.
48. After the time limit for payment of an offence ticket has passed a Peace Officer may serve upon the offender a Part 2 Summons.
49. Bylaw #781 and amendments thereto and Bylaw #1025 and amendments thereto are hereby repealed.
50. This Bylaw shall come into effect on the date of the final passing thereof.

READ A FIRST TIME THIS ____ DAY OF _____, 2015.

READ A SECOND TIME THIS ____ DAY OF _____, 2015.

READ A THIRD TIME THIS ____ DAY OF _____, 2015.

MAYOR

DIRECTOR OF CORPORATE SERVICES

**BYLAW 1097
SCHEDULE “A”**

For an offence under Sections 21(a) (b) and (d), 23, 24, 26, 30, 31, 36(a)-(i) the following penalties shall apply:

1st Offence: \$250.00

2nd Offence: \$500.00

3rd and subsequent Offences: \$750.00

For an offence under Sections 19(a), 21(c) and (e), 36(j) (k) and (l) the following penalties shall apply:

1st Offence: \$750.00

2nd and subsequent offences: as determined by Crown Prosecutor’s Office

BYLAW 1097
SCHEDULE "B"

Item	Requests for Compliance Certificates	Fees
1	Development & Issuance of Alberta Fire Code Letters of Approval for products or systems regulated by the Alberta Fire Code at the request of the proponent of the product or system	\$100.00 application fee & \$100.00 per hour service fee after the 1 st hour
2	Development & Issuance of Alberta Fire Code Written Specific Rulings requested by the owner or designer of a product, system or building regulated by the Alberta Fire Code.	\$10.00 application fee & \$100.00 per hour service fee after the 1 st hour
3	Development & issuance of Written Responses to Alberta Fire Code Inquiries requested by the owner or designer of a product, system, or building regulated by the Alberta Fire Code.	\$100.00 application fee & \$100.00 per hour service fee after the 1 st hour
4	Letters of Summary to lawyers and Insurance Companies for Fire Investigation Information of Fire Safety Searches	\$100.00 summary letter or search report
Other Services		
5	Expert Witness Services - Civil Litigation	\$100.00 per hour to a maximum of \$800.00 per day (minimum 1hour) plus expenses
6	Fire Investigation & Inspection Services in Municipalities in Alberta	\$100.00 per hour plus contracted expenses for services or equipment necessary to complete the investigation plus travel/living expenses. (min. 1 hour)
7	Fire Investigation and Inspection Services to extra-Provincial & \$50.00 per hour plus contracted Federal Jurisdictions or Out of Province	\$100.00 per hour plus contracted expenses for services or equipment necessary to complete the investigation plus travel expenses. (min. 1 hour)
8	Fire Department Training room rental fee	<p>For Profit/Commercial business \$39.50/hr min 1.5 hrs or \$200.00/day</p> <p>Adult Non Profit groups \$26.50/hr min 1.5 hrs or \$132.50/day</p> <p>Youth Non Profit groups \$13.00/hr min 1.5 hrs \$ 65.00/day</p> <p>GST Included</p>
Municipal Annual Commercial & Industrial Inspections		
9	Annual Fire Prevention Inspections (as per QMP)	\$100.00 per hour
10	**Annual Fire Inspections - <u>non-compliance requiring subsequent inspection</u> -	an additional fee charged at twice the fee noted above.
11	Seminars, Courses and Presentations upon request	\$100.00 per hour plus travel expenses (min. 1 hour)

Certificates/Permits		
12	Occupant Load Calculations & Certificate Issuance	\$55.00 per certificate
13	Fire Works Handling/Discharge/Ignition/Display//Possession	\$50.00 per permit
14	Permitted Outdoor Fire (open Air burn) Permit Issuance - (10 days maximum)	\$50.00 per permit
15	Outdoor Recreational Fire Permit (1 time only fee)	\$25.00 per permit
16	Fire Department Emergency response: Command Unit, Fire Pumper, Tanker, Vehicle Rescue, Rapid Response, Off-road ATV Specialty Teams IE: ice/swift water, cave rescue	\$600.00 per unit per hour including crew / 180.00 per unit per hour for Command Unit
17	Fire Service disposable materials	At actual replacement cost
18	Response to repeat false alarms – 2nd & subsequent occurrences system deficiency or mechanical faults of same circumstances in a calendar year -	\$400.00/response

TOWN OF HINTON
BY-LAW NO. 781.

A BY-LAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA,
HEREAFTER REFERRED TO AS THE "TOWN OF HINTON FIRE BY-LAW"
TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE DEPARTMENT
AND TO REPEAL BY-LAW NO 190

WHEREAS, Section 158 of the Municipal Government Act, R.S.A. 1980, and amendments thereto the Council of a Municipality may pass a By-Law for the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

WHEREAS, Section 159 of the Municipal Government Act, R.S.A. 1980 and amendments thereto states that the Council may pass By-Laws for any other matter or thing for the protection of life or property as may be considered proper.

NOW THEREFORE, the Council of the Town of Hinton, in the province of Alberta, duly assembled, does hereby authorize the establishment of a Municipal Fire Department and the carrying out of its operations in the following manner:-

1. In this By-Law words and phrases shall be construed as specified hereunder:

"Apparatus" - means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

"Council" - means the Council of the Town of Hinton.

"Accepted" - means acceptable to the Fire Chief.

"Incident" - means a fire, a situation where a fire or 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.

"Equipment" - means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

"Fire Chief" - means the member appointed as head of the Fire Department.

"Fire Protection" - 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.

"Member" - means any person that is duly appointed member of the Fire Department.

2. The Fire Chief shall be appointed by the Council.
3. Other Officers and Members as the Fire Chief deems necessary may be appointed to the Fire Department with the approval of the Council.
4. The Fire Chief may appoint other Officers of the Fire Department to act as Fire Chief on his behalf.
5. 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 Town of Hinton, and no part of the fire apparatus shall be used beyond the limits of the Municipality without the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the Municipal boundaries.

6. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Council to which he 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) rescue
 - (b) fire suppression
 - (c) other incidents
 - (d) pre-fire planning
 - (e) fire prevention
7. The Fire Chief shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including:
 - (a) use, care and protection of Fire Department property;
 - (b) the conduct and discipline of Officers and Members of the Fire Department; and
 - (c) efficient operations of the Fire Department.
8. The Fire Chief, or in his absence, the senior ranking member present, shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident and, where a member is in charge, he shall continue to act until relieved by an Officer of higher rank.
9. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the Fire Prevention Act and regulations thereunder.
10. Officers and Members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Council, and the Fire Chief shall report to the Town Manager, and be responsible to Council, for the operations of the Fire Department or for any other matter in the manner designated by Council.
11. The Fire Chief, or any other Member in charge, at a fire is empowered to cause a building, structure, or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
12. The Fire Chief, or any other Member in charge, at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.
13. The Fire Chief, or the Member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits.
14. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 13 unless he has been authorized to enter by the Fire Chief or the Member in charge.
15. The Fire Chief, or the Member in charge, at an incident may at his discretion call upon Police Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 13.

16. The Fire Chief, or the Member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over the building or property, where he deems it necessary to gain access to the incident or to protect any persons or property.
17. The Fire Chief may obtain assistance from other Officials of the Municipality as he deems necessary in order to discharge his duties and responsibilities under this By-Law.
18. 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 the Member in charge.
19. No person shall damage or destroy Fire Department apparatus or equipment.
20. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the Member in charge.
21. No person shall obstruct a Member from carrying out duties imposed by this By-Law.
22. 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.
23. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated for fire fighting purposes or any connections provided to a water main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.
24. The Fire Chief or the Member in charge of an incident is empowered to compel persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.
25. The Fire Chief or the Member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.
26. Open burning within the town limits of Hinton is not allowed without authorization and permit issued by the Fire Chief or Officer in charge of the Fire Department.
27. The person to whom a permit is issued (name on Fire Permit as Permittee) shall supervise and control the fire so that spreading of the fire does not become a hazard, and spreading of smoke does not become a problem causing citizens to complain.
28. A person who conducts open burning shall be held responsible for any damage or costs incurred due to a fire.
29. No person shall conduct open burning within fifty (50) feet of any structure or combustible material unless lesser distances are authorized by the permit.

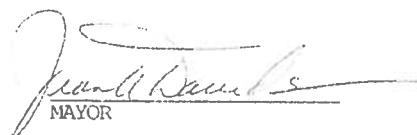
TOWN OF HINTON
BY-LAW NO. 781
PAGE 4

30. For purposes of Section 26 to 29 inclusive, open burning includes; fires of rubbish, straw, wood shavings grass, scrap building materials, brush and bonfires, but, shall not include; barbecue, burning in accepted container or fireplace, fires in camp grounds that are maintained by the Town of Hinton.
31. Every person who violates any of the provisions of this By-Law, or who allows or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-Law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-Law, or who does any act or thing or omits any act or thing thus violating any of the provisions of this By-Law, and upon a summary conviction is liable to imprisonment for a term of not more than six (6) months or to a fine of not more than twenty-five hundred dollars (\$2,500.00), or to both fine and imprisonment.
32. The Fire Chief or a Member of the Fire Department charged with the enforcement of this By-Law, 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.
33. 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 By-Law, shall be defended by the Town of Hinton until final determination of the proceedings.
34. That By-Law No. 190 is hereby repealed.

READ A FIRST TIME THIS 3RD DAY OF JULY A.D. 1984.

READ A SECOND TIME THIS 3RD DAY OF JULY A.D. 1984.

READ A THIRD TIME THIS 31st DAY OF July A.D. 1984.


Jean A. Davis
MAYOR


Darryl P. Rulsi
MUNICIPAL SECRETARY

TOWN OF HINTON
BY-LAW NO. 781-1

A BY-LAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA,
TO AMEND BY-LAW NO. 781 THE TOWN OF HINTON FIRE BY-LAW

WHEREAS, By-Law No. 781 authorizes the establishment of a Municipal
Fire Department and the carrying out of its duties.

AND WHEREAS, it is deemed necessary to amend certain portions of the
By-Law to clarify areas of concern.

NOW THEREFORE, the Council of the Town of Hinton, in session duly
assembled hereby enacts as follows.

1. That By-Law No. 781 be amended by adding a new section 5
which will read as follows.

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 Town of Hinton, and no part
of the fire apparatus shall be used beyond the limits of
the Municipality. However, upon a request being made of
the Fire Department for use of the fire equipment and
manpower outside the limits of the Municipality, the Fire
Chief or acting Fire Chief shall have the authority to
authorize such use if in the opinion of the Fire Chief or
acting Fire Chief, such request represents an emergency
situation. At all times, the Fire Chief or acting Fire
Chief, shall ensure that sufficient equipment and manpower
remains on stand-by in the Town.

2. That this By-Law shall come into full force and effect on
the day of the final passing thereof.

READ A FIRST TIME THIS 5TH DAY OF APRIL A.D. 1988

READ A SECOND TIME THIS 5TH DAY OF APRIL A.D. 1988

READ A THIRD TIME THIS 5TH DAY OF APRIL A.D. 1988

Jean A. Wallace
MAYOR

J. R. P.
MUNICIPAL SECRETARY

**TOWN OF HINTON
BY-LAW NO. 781-2**

**A BY-LAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA
TO AMEND BY-LAW NO. 781 THE TOWN OF HINTON FIRE BY-LAW.**

WHEREAS, By-law No. 781 authorizes the establishment of a Municipal Fire Department and the carrying out of its duties.

AND WHEREAS, it is deemed necessary to amend certain portions of the By-Law to clarify areas of concern.

NOW THEREFORE, the Council of the Town of Hinton, in session duly assembled hereby enacts as follows.

1. That By-Law No. 781 be amended by changing Section 6. and 7. to read as follows.
6. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Council to which he shall be responsible, and in particular he may be required to carry out all fire protection activities and such other activities as Council directs including, but not limited to:
 - (a) rescue
 - (b) fire suppression
 - (c) other incidents
 - (d) pre-fire planning
 - (e) fire prevention
7. The Fire Chief may establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including:
 - (a) use, care and protection of Fire Department property.
 - (b) the conduct and discipline of Officers and Member of the Fire Department; and
 - (c) efficient operations of the Fire Department.
2. That this By-Law shall come into full force and effect on the day of the final passing thereof.

TOWN OF HINTON
BY-LAW NO. 781-2

- 2 -

READ A FIRST TIME THIS 12TH DAY OF NOVEMBER A.D., 1991

READ A SECOND TIME THIS 12TH DAY OF NOVEMBER A.D., 1991

READ A THIRD TIME THIS 12TH DAY OF NOVEMBER A.D., 1991


D. Robertson
MAYOR


G. Brinkley
MUNICIPAL SECRETARY



**TOWN OF HINTON
BY-LAW NO. 781-3**

**A BY-LAW OF THE TOWN OF HINTON
IN THE PROVINCE OF ALBERTA
TO AMEND BY-LAW NO. 781, THE TOWN OF HINTON FIRE BY-LAW.**

WHEREAS,

By-law No. 781 authorises the establishment of a Municipal Fire Department and the carrying out of its duties.

AND WHEREAS,

it is necessary to amend certain portions of the By-law to clarify areas of concern.

NOW THEREFORE,

The Council of the Town of Hinton, in session duly assembled hereby enacts as follows:

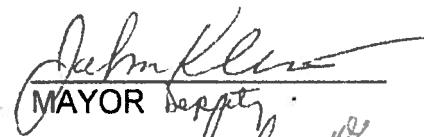
1. That By-Law No. 781 be amended by adding Section 10(a) which reads as follows:

"A full time or volunteer Firefighter may carry on or in a vehicle, other than an emergency vehicle, a lamp issued by the Fire Chief, that produces intermittent flashes of green light and may operate the lamp if the vehicle is proceeding to a fire or emergency."; and
2. Change the wording in Section 9
From "The Fire Protection Act" to "The Safety Codes Act"; and
3. That this By-Law shall come into full force and effect on the day of the final passing thereof.

READ A FIRST TIME THIS 7TH DAY OF OCTOBER, A.D., 1997

READ A SECOND TIME THIS 7TH DAY OF OCTOBER, A.D., 1997

READ A THIRD TIME THIS 7TH DAY OF OCTOBER, A.D., 1997



MAYOR *Deb Kline*



DIRECTOR OF ADMINISTRATION



**TOWN OF HINTON
BY-LAW NO. 781-4**

**A BY-LAW OF THE TOWN OF HINTON
IN THE PROVINCE OF ALBERTA
TO AMEND BY-LAW NO. 781, THE TOWN OF HINTON FIRE BY-LAW.**

WHEREAS,

By-law No. 781 authorizes the establishment of a Municipal Fire Department and the carrying out of its duties.

AND WHEREAS,

it is necessary to amend certain portions of the By-law to clarify areas of concern.

NOW THEREFORE,

The Council of the Town of Hinton, in session duly assembled hereby enacts as follows:

That By-Law No. 781 be amended as follows:

1. In this Bylaw words and phrases shall be construed as specified hereunder:

“Apparatus” means any Fire Department vehicle or any other vehicle used in dealing with an incident.

“Council” means the Council of the Town of Hinton.

“Accepted” means acceptable to the Fire Chief.

“Incident” means a fire, a situation where a fire or explosion is imminent or has occurred, or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded

“Equipment” means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.

“Fire Chief” means the Member appointed as head of the Fire Department.

“Fire Protection” 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.

“Member” means any person that is a duly appointed Member of the Fire Department.

2. Other Officers and Members as the Fire Chief deems necessary may be appointed to the Fire Department.
3. The Fire Chief may appoint other Officers of the Fire Department to act as Fire Chief on his behalf.
4. 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 Town of Hinton, and no part of the fire apparatus shall be used beyond the limits of the Municipality. However, upon a request being made of the Fire Department for use of the fire equipment and manpower outside the limits of the Municipality, the Fire Chief or acting Fire Chief shall have the authority to authorize such use if in the opinion of the Fire Chief or acting Fire Chief, such request represents an emergency situation. At all times, the Fire Chief or acting Fire Chief shall ensure that sufficient equipment and manpower remains on standby in the Town.
5. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Council to which he shall be responsible, and in particular he may be required to carry out all fire protection activities and such other activities as Council directs including, but not limited to:
 - a) Rescue
 - b) Fire suppression
 - c) other Incidents
 - d) Pre-fire planning
 - e) Fire prevention
6. The Fire Chief may establish rules, regulations, policies and committees necessary for the proper organization of the Fire Department including:
 - a) Use, care and protection of Fire Department property.
 - b) The conduct and discipline of Officers and Members of the Fire Department; and
 - c) Efficient operations of the Fire Department.

7. The Fire Chief, or in his absence the senior ranking Member present, shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident and, where a Member is in charge, he shall continue to act until relieved by an Officer of higher rank.
8. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the Safety Codes Act and the regulations thereunder.
- 9(a) Officers and Members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Council, and the Fire Chief shall report to the Town Manager, and be responsible to Council, for the operations of the Fire Department or for any other matter in the manner designated by Council.
- 9(b) A full time or volunteer Firefighter may carry on or in a vehicle, other than an emergency vehicle, a lamp issued by the Fire Chief, that produces intermittent flashes of green light and may operate the lamp if the vehicle is proceeding to a fire or emergency.
10. The Fire Chief, or any other Member, in charge, at an incident is empowered to cause a building, structure, or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
11. The Fire Chief, or any other Member in charge, at an incident is empowered to enter premises or property where the incident occurred and to cause any Member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to deal with the incident.
12. The Fire Chief, or the Member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits.
13. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 13 unless he has been authorized to enter by the Fire Chief or the Member in charge

14. The Fire Chief, or the Member in charge, at an incident may at his discretion call upon Police Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 13.
15. The Fire Chief, or the Member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause Members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over the building or property, where he deems it necessary to gain access to the incident or to protect any persons or property.
16. The Fire Chief may obtain assistance from other Officials of the Municipality, as he deems necessary, in order to discharge his duties and responsibilities under this Bylaw.
17. 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 the Member in charge.
18. No person shall damage or destroy Fire Department apparatus or equipment.
19. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the Member in charge.
20. No person shall obstruct a Member from carrying out duties imposed by this Bylaw.
21. No person shall falsely represent himself/herself 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.
22. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated for fire fighting purposes or any connections provided to a water main, pipe, stand pipe, sprinkler

system, cistern or other body of water designated for fire fighting purposes.

23. The Fire Chief or the Member in charge of an incident is empowered to compel persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure or any other thing at or near the incident.
24. The Fire Chief or the Member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.
25. Open burning within the Hinton town limits is not permitted without authorization and permit issued by the Fire Chief or his designate. Open burning may not include barbecues, small approved fire pits, home fireplaces or stoves, or campfires in Town owned campgrounds.
26. Any person conducting open burning, whether by permit or otherwise, shall be held responsible for any damage caused by the fire or smoke from that open burning. That person shall also be responsible for any costs incurred to extinguish the open burning.
27. Burning of construction materials or trees and brush from clearing or thinning operations may be permitted by the Fire Chief or his designate.
28. Ground thawing within the Hinton town limits is not permitted without authorization and permit issued by the Fire Chief or his designate. Ground thawing utilizing straw and coal is not permitted in residential neighbourhoods, except in cases of emergency or for work necessary for public safety.
29. (i) Permits shall spell out the terms and conditions of the permitted open burning or ground thawing.
(ii) The form "Permit Addendum" shall form part of the permit procedure and understanding.

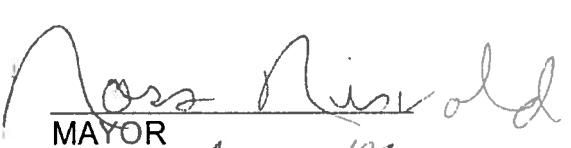
30. Every person who violates any of the provisions of this Bylaw, or who allows or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this Bylaw, and upon a summary conviction is liable to imprisonment for a term not more than six (6) months or to a fine of not more than twenty-five hundred dollars (\$2,500.00), or to both fine and imprisonment.
31. 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.
32. 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 Town of Hinton until final determination of the proceedings.

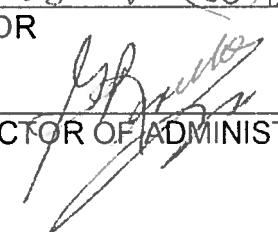
That this By-Law shall come into full force and effect on the day of the final passing thereof.

READ A FIRST TIME THIS 17TH DAY OF AUGUST, AD, 1999

READ A SECOND TIME THIS 17TH DAY OF AUGUST, AD, 1999

READ A THIRD TIME THIS 17TH DAY OF AUGUST, AD, 1999


MAYOR


DIRECTOR OF ADMINISTRATION

BYLAW NO. 1025



A BY-LAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA TO PROVIDE FOR GENERAL SERVICE FEES CHARGED BY THE MUNICIPALITY FOR SERVICE PROVIDED BY THE HINTON FIRE DEPARTMENT

WHEREAS Pursuant to Section 7 (f) of the Municipal Government Act, 2000, Chapter M-26 and amendments thereof, a Council may pass policies for municipal purposes respecting services provided by or on behalf of the municipality and a Council may in a bylaw passed under Section 7 establish fees for services provided by or on behalf of the municipality.

WHEREAS and whereas it is deemed necessary to incorporate general service fees for services provided by the Hinton Fire Department.

NOW THEREFORE The Council of the Town of Hinton, duly assembled, hereby enact as follows:

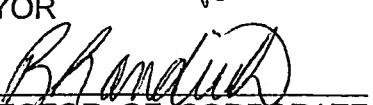
- 1) That this bylaw be cited as "FIRE DEPARTMENT – FEES FOR SERVICE".
- 2) That general service fees be established for services provided by the Hinton Fire Department in accordance with the attached Schedule "A".
- 3) Council may amend Schedule "A" by resolution.
- 4) That this Bylaw shall take force and have effect upon final reading thereof.

READ A FIRST TIME THIS 20TH. DAY OF FEBRUARY, 2007.

READ A SECOND TIME THIS 20TH. DAY OF FEBRUARY, 2007.

READ A THIRD TIME THIS 20TH. DAY OF FEBRUARY, 2007.



MAYOR


DIRECTOR OF CORPORATE
SERVICES

BYLAW NO. 1025
SCHEDULE "A"

Requests for Compliance Certificates:	Fees
Development & Issuance of Alberta Fire Code Letters of Approval for products or systems regulated by the Alberta Fire Code at the request of the proponent of the product or system.	\$50.00 application fee & \$50.00 per hour service fee after the 1 st . hour
Development & Issuance of Alberta Fire Code Written Specific Rulings requested by the owner or designer of a product, system or building regulated by the Alberta Fire Code.	\$50.00 application fee & \$50.00 per hour service fee after the 1 st . hour
Development & issuance of Written Responses to Alberta Fire Code Inquiries requested by the owner or designer of a product, system, or building regulated by the Alberta Fire Code.	\$50.00 application fee and \$50.00 per hour service fee after the first hour
Letters of Summary to lawyers and Insurance Companies for Fire Investigation Information of Fire Safety Searches	\$100.00 summary letter or search report
Other Services:	
Expert Witness Services – Civil Litigation	\$50.00 per hour to a maximum of \$500.00 per day (minimum 1 hour) plus expenses
Fire Investigation & Inspection Services in Municipalities in Alberta	\$50.00 per hour plus contracted expenses for services or equipment necessary to complete the investigation plus travel expenses. (min. 1 hour)
Fire Investigation and Inspection Services to extra-Provincial & Federal Jurisdictions or Out of Province	\$50.00 per hour plus contracted expenses for services or equipment necessary to complete an investigation plus travel expenses (min. 1 hour)
Fire Department Training room rental fee	\$15.00/hr. or part thereof or \$100/day
Municipal Annual Commercial & Industrial Inspections:	
Annual Fire Prevention Inspections (as per QMP)	\$50.00 per hour (Min. \$15.00)
**Annual Fire Inspections - <u>non-compliance requiring a subsequent inspection</u> – an additional fee charged at twice the fee noted above.	
Seminars, Courses and Presentations upon request	\$50.00 per hour plus travel expenses (min. 1 hour)
Certificates/Permits	
Occupant Load Calculations & Certificate Issuance	\$55.00 per certificate
Fire Works Handling/Discharge/Ignition/Display/Purchase/Possession Permit Issuance	\$25.00 per Permit
Burning permit Issuance – (10 days maximum)	\$20.00 per permit
Fire Department Emergency response:	
Fire Pumper, Tanker, Vehicle Rescue, Rapid Response, Specialty Teams IE: ice/swift water, cave rescue	\$400 per unit per hour
Command Vehicle, Off-road ATRV	\$200 per unit per hour
Fire Service disposable materials	At actual replacement cost
Response to repeat false alarms – 3 rd & subsequent occurrences for system deficiency or mechanical faults of same circumstances in a calendar year.	\$250.00/response

BYLAW 1025
SCHEDULE "A"
(Approved by Council April 19, 2011)

Item	Requests for Compliance Certificates:	Fees
1	Development & Issuance of Alberta Fire Code Letters of Approval for products or systems regulated by the Alberta Fire Code at the request of the proponent of the product or system	\$100.00 application fee & \$100.00 per hour service fee after the 1 st hour
2	Development & Issuance of Alberta Fire Code Written Specific Rulings requested by the owner or designer of a product, system or building regulated by the Alberta Fire Code.	\$10.00 application fee & \$100.00 per hour service fee after the 1 st hour
3	Development & issuance of Written Responses to Alberta Fire Code Inquiries requested by the owner or designer of a product, system, or building regulated by the Alberta Fire Code.	\$100.00 application fee & \$100.00 per hour service fee after the 1 st hour
4	Letters of Summary to lawyers and Insurance Companies for Fire Investigation Information of Fire Safety Searches	\$100.00 summary letter or search report
Other Services:		
5	Expert Witness Services - Civil Litigation	\$100.00 per hour to a maximum of \$800.00 per day (minimum 1hour) plus expenses
6	Fire Investigation & Inspection Services in Municipalities in Alberta	\$100.00 per hour plus contracted expenses for services or equipment necessary to complete the investigation plus travel/living expenses. (min. 1 hour)
7	Fire Investigation and Inspection Services to extra-Provincial & \$50.00 per hour plus contracted Federal Jurisdictions or Out of Province	\$50.00 per hour plus contracted expenses for services or equipment necessary to complete the investigation plus travel expenses. (min. 1 hour)
8	Fire Department Training room rental fee	For Profit/Commercial business \$39.50/hr min 1.5 hrs or \$200.00/day Adult Non Profit groups \$26.50/hr min 1.5 hrs or \$132.50/day Youth Non Profit groups \$13.00/hr min 1.5 hrs \$ 65.00/day GST Included
Municipal Annual Commercial & Industrial Inspections		
9	Annual Fire Prevention Inspections (as per QMP)	\$50.00 per hour (Min. \$15.00)
10	**Annual Fire Inspections - <u>non-compliance requiring subsequent inspection</u> -	an additional fee charged at twice the fee noted above.
11	Seminars, Courses and Presentations upon request	\$100.00 per hour plus travel expenses (min. 1 hour)
Certificates/Permits		
12	Occupant Load Calculations & Certificate Issuance	\$55.00 per certificate
13	Fire Works Handling/Discharge/Ignition/Display/Purchase/Possession	\$25.00 per Permit
14	Burning permit Issuance - (10 days maximum)	\$25.00 per permit
15	Fire Department Emergency response: Command Unit, Fire Pumper, Tanker, Vehicle Rescue, Rapid Response, Off-road ATV Specialty Teams IE: ice/swift water, cave rescue	\$400 per unit per hour including crew
16	Fire Service disposable materials	At actual replacement cost
17	Response to repeat false alarms – 2nd & subsequent occurrences system deficiency or mechanical faults of same circumstances in a calendar year -	\$400.00/response



TOWN OF HINTON REQUEST FOR DECISION

DATE: July 13, 2015

TO: **REGULAR MEETING OF COUNCIL OF JULY 21, 2015**

FROM: Ryan Alice, Community Peace Officer and Todd Martens, Fire Rescue & Bylaw Services Manager

REVIEWED BY: Laura Howarth, Director of Community & Protective Services

APPROVED BY: Mike Schwirtz, Town Manager

RE: **Fireworks Bylaw #1098 – Possession and Use of Fireworks**

Recommendation:

That Council give Bylaw #1098 first reading;

That Council give Bylaw #1098 second reading;

That Council give unanimous consent for third reading to Bylaw #1098; and

That Council give Bylaw #1098 third and final reading.

Concluding Statement

The fireworks bylaw is drafted to ensure the safety of our residents and strive for overall protection of our communities, including green spaces, private property and infrastructure to name a few. Restricting the possession and usage of fireworks within Town limits to certified Display Supervisors or Pyrotechnicians, and by continuing with a diligent permitting process for those uses, we maintain and enhance our commitment to the safety of the community.

Conformance of recommendation to existing laws and Hinton Council plans

Conforms with:	Yes/No/ Partial	Comments
Municipal and Provincial Laws	Yes	<p>Municipal Government Act S.7 a council may pass bylaws for municipal purposes respecting the following matters:</p> <ul style="list-style-type: none">(a) The safety, health and welfare of people and the protection of people and property;(b) People, activities and things in, on or near a public place or place that is open to the public; <p>Follows certification and licensing requirements set forth by Natural Resources Canada, the Explosives Act and recommendations by the AB Fire Commissioners Office.</p>

Community Sustainability Plan	Yes	Wellness: Develop a safe and healthy community that promotes positive, constructive lifestyle choices. Governance: Ensure local governments and authorities are responsive to the needs of the community.
Council's Strategic Plan	Yes	The safety and social well being through support and care of its residents.
Long Term Capital Plan or Adopted budget	N/A	
Other Plans or Policies	N/A	

Background / Introduction

This item is before Council to request approval of draft Fireworks Bylaw #1098 (attachment #1) as part of the regulatory bylaw review. Through recommendation and support of the Fire Chief, who holds ultimate authority over the fireworks permitting process, it is felt that the best manner in which to regulate and manage the usage and possession of fireworks within Town limits is to restrict such actions to Certified Display Supervisors or Pyrotechnicians. Taking these steps through the bylaw will allow for the emergency and protective services of Hinton to maintain better control over displays within Town limits allowing for proper and more efficient pre-planning in the event of a fireworks caused emergency. These enhancements also allow an enforcement officer to take steps to intervene in the event that violations are found before an incident occurs or in the event damage to life or property is a result.

Options

Option #1: That Council accept for information (remain status quo with current Bylaw #1062 - attachment #2);

Option #2: To approve Fireworks Bylaw #1098 as presented by providing 1st, 2nd, unanimous consent and third and final reading;

Option #3: To give draft Fireworks Bylaw #1098 1st and 2nd reading only and seek public feedback for a 2-week period prior to 3rd reading;

Option #4: To make changes to draft Bylaw #1098.

Administration Assessment of Options and Conclusion

1. Currently, the Town of Hinton Fireworks Bylaw #1062 allows with permission any person over the age of 18 to apply for and obtain a permit to posses and discharge low hazard fireworks within Town limits. There is no requirement for certification for such displays and limited control and enforcement capabilities.
2. Proposed draft Fireworks Bylaw #1098 prohibits any possession and display/discharge of any fireworks without proper certification and permitting. This allows for better control and risk/safety management over displays taking place in Town limits. As well the new bylaw will give Enforcement Officers more abilities with regards to enforcement of the bylaw itself.
3. Council may wish to give 1st and 2nd reading only and delay third reading to the new bylaw if they feel the proposed changes warrant public feedback.
4. Council may propose other changes (removing or inserting clauses) to the draft bylaw.

Town Manager Comments

Requiring proper certification and permitting for fireworks is one way to help enhance the health and safety of our Town. As the Fire Chief is the ultimate authority on permitting for fireworks possession and usage in our Town we are asking for all three readings to be given at this one meeting.

Attachments

1. Draft Fireworks Bylaw #1098;
2. Current Fireworks Bylaw #1062.



**TOWN OF HINTON
BYLAW #1098**

**BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA
TO REGULATE THE POSSESSION, SALE, STORAGE, PURCHASE
AND DISCHARGE OF FIREWORKS**

WHEREAS Section 7(a) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Section 8(a) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws to regulate or prohibit;

AND WHEREAS Section 8(c) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws to provide for a system of licenses, permits and approvals;

AND WHEREAS The Council of the Town of Hinton recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when used improperly by untrained persons, can cause injury, damage, fire and death;

AND WHEREAS The Council of the Town of Hinton has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors card as noted above creates an unacceptable level of risk to life, health, safety and property;

AND WHEREAS The Town of Hinton wishes to enact a Bylaw for the purpose of prohibiting the possession, sale, storage, purchase and discharge of fireworks by any person not in possession of a valid fireworks *display supervisor* card issued pursuant to the Explosives Act of Canada, and its Regulations, by the Government of Canada;

NOW THEREFORE the Municipal Council of the Town of Hinton in session duly assembled hereby enact as follows:

Title

1. This bylaw may be cited as the "Fireworks Prohibition Bylaw".

Definitions

2. The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this Bylaw and its application:

- 1) Municipal Government Act (R.S.A. 2000, c. M-26)
- 2) Safety Codes Act (R.S.A. 2000, c. S-1)
- 3) Alberta Fire Code
- 4) Explosives Act (R.S.C. 1985, c. E-17)

For greater clarity in this bylaw:

- a) "Display Supervisor or Pyrotechnician" means a person holding a valid certificate as such through Natural Resources Canada Explosives Regulatory Division.
- b) "Fire Chief" shall mean the Chief Officer of the Fire Rescue & Bylaw Services Department who is appointed by Council to manage and administer the Fire Rescue & Bylaw Services Department and includes his/her designate;
- c) "Firecracker" means small fireworks with entwined fuses used solely as noise makers and not for pyrotechnic effect, and without limitation includes bottle rockets and screechers;
- d) "Fireworks" includes both Low Hazard Fireworks and High Hazard Fireworks as defined herein;
- e) "High Hazard Fireworks" means manufactured goods intended to be used for pyrotechnic effects that are classified by the Canada Explosives Regulations as high hazard fireworks (Class 7.2.2) but does not include Firecrackers; For the purposes of this bylaw Special Effect Pyrotechnics will be included in this definition.
- f) "Low Hazard Fireworks" means manufactured goods intended to be used for pyrotechnic that are classified by the Canada Explosive Regulations as low hazard fireworks for recreation (Class 7.2.1.) such as fireworks showers, fountains, golden rain, lawn lights, pinwheels, volcanoes and sparklers, but does not include Roman Candles;
- g) "Peace Officer" means a Community Peace Officer, Bylaw Enforcement Officer or member of the RCMP or for the purposes of enforcing provisions of this bylaw the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or their designate. A Safety Codes Officer in the Fire Discipline may also be considered a Peace Officer for the purposes of this bylaw;
- h) "Roman Candle" means a ground level firework that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects more than three (3) meters and which has a tube size of $\frac{3}{4}$ " or less.

Prohibitions and Regulations

3. No person shall wholesale, display for sale, offer for sale, sell, possess or store any Fireworks, Roman Candles or Firecrackers within the Town of Hinton without the written permission of the Town of Hinton Fire Chief.
4. No person, may obtain, purchase, set off, discharge or otherwise handle Fireworks, Roman Candles or Firecrackers within the Town of Hinton without the written permission of the Town of Hinton Fire Chief.
5. No person shall obstruct, interfere with or hinder a Peace Officer or any person who the Peace Officer may call upon to assist in the performance of his duties pursuant to this bylaw.

6. No person shall handle, set up, set off, fire, discharge or energize a pyrotechnics display in the Town of Hinton without the written permission of the Fire Chief. Any Person wishing to obtain written permission from the Fire Chief must hold a valid Fireworks Operator Certificate as a Display Supervisor or Pyrotechnician from Natural Resources Canada Explosives Regulatory Division.

7. A certified Display Supervisor or a Pyrotechnician, may conduct a show after receiving permission to do so in writing from the Fire Chief.

8. A Display Supervisor or Pyrotechnician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Chief for a written letter of permission to conduct a display or show. The application in writing will cover all the information required by the Explosives Act and the Alberta Fire Code. It will include, but not be limited to:

- a) Date, time and location of the proposed event,
- b) Names, addresses and certification numbers of all display supervisors or pyrotechnicians and assistants participating in the show,
- c) The name of the sponsor or purchaser of the event,
- d) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
- e) The emergency plan for the event,
- f) Verification of liability insurance, in an amount acceptable to the Town of Hinton,
- g) Payment of the designated application fee, and
- h) Any other information deemed necessary by the Town of Hinton Fire Chief.

9. The Fire Chief may choose to issue to a Display Supervisor or Pyrotechnician, written permission for a show or display to take place.

10. The Fire Chief may choose not to issue written permission to anyone for a display or show if, in their opinion, such a display or show may create a risk to life, safety or property.

11. The Fire Chief may attach any terms and conditions in a written permission that he or she deems appropriate for a specific event and location.

12. The Fire Chief may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:

- a) The Alberta Fire Code,
- b) The Explosives Act,
- c) The letter of permission, including any terms and conditions,
- d) Changes in environmental conditions, and/or
- e) For any reasons of safety to life, limb or property.

Penalties and Enforcement

13. A person who is guilty of an offence is liable to a fine in an amount not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine.

14. Where a Peace Officer has reasonable grounds and probable to believe that a person has violated any provision of this bylaw, the Peace Officer may commence Court proceedings against such person by issuing the person a violation ticket pursuant to the provisions of the *Provincial Offences Procedure Act*.

15. The issuance of a violation ticket as noted shall be served on the person pursuant to Part 2 of the *Provincial Offences Procedure Act*.

16. Notwithstanding subsection (1) the following specified penalty amounts are established for use as a voluntary payment option under Schedule "A" of this bylaw.

17. A Peace Officer who has reasonable and probable grounds may seize, take, remove or cause to be seized, taken or removed any fireworks, fire crackers, roman candles or any other pyrotechnic device being held, possessed, or used in contravention to this bylaw.

18. On reasonable and probable grounds a Peace Officer may entre and inspect any place other than a dwelling, in which fireworks are stored, transported or used and may open and inspect any room, container, vehicle or package that the Peace Officer has reasonable and probable grounds to believe contains fireworks in contravention of this bylaw. Entering a dwelling must only be done under the authority of a warrant.

19. Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Hinton, or an Enforcement Officer noted above, has reasonable grounds to believe that a person has violated any provision of the Alberta Fire Code, they may commence Court proceedings under the Safety Codes Act against such person by filing an Information pursuant to the provisions of the *Provincial Offences Procedure Act*.

20. Bylaw #1062 is hereby repealed.

This Bylaw comes into force and effect on final reading.

READ A FIRST TIME THIS _____ DAY OF _____, 2015.

READ A SECOND TIME THIS _____ DAY OF _____, 2015.

READ A THIRD TIME THIS _____ DAY OF _____, 2015

MAYOR

DIRECTOR OF CORPORATE SERVICES

**BYLAW #1098
SCHEDULE “A”
Specified Penalties**

For the purposes of this bylaw the following penalties shall apply for any contravention of this bylaw:

1st Offence: \$500.00

2nd Offence: \$750.00

3rd and subsequent offences: as determined by Crown Prosecutor’s Office



**TOWN OF HINTON
BYLAW #1062**

**BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA
TO REGULATE THE POSSESSION, SALE, STORAGE, PURCHASE
AND DISCHARGE OF FIREWORKS**

WHEREAS Section 7(a) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws for the safety, health and welfare of people and the protection of people and property.

AND WHEREAS Section 8(a) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws to regulate or prohibit.

AND WHEREAS Section 8(c) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides for municipalities to enact Bylaws to provide for a system of licences, permits or approvals.

AND WHEREAS The Council of the Town of Hinton recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the Alberta Fire Code and which, when used improperly by untrained persons, can cause injury, damage, fire and death.

AND WHEREAS The Council of the Town of Hinton has determined that the sale, storage, purchase and discharge of fireworks by persons not in possession of a fireworks display supervisors card as noted above creates an unacceptable level of risk to life, health, safety and property.

AND WHEREAS The Town of Hinton wishes to enact a Bylaw for the purpose of prohibiting the possession, sale, storage, purchase and discharge of fireworks by any person not in possession of a valid fireworks *display supervisor* card issued pursuant to the Explosives Act of Canada, and its Regulations, by the Government of Canada.

NOW THEREFORE the Municipal Council of the Town of Hinton in session duly assembled hereby enact as follows:

1. Title

This bylaw may be cited as the "Fireworks Prohibition Bylaw".

2. Definitions

The definitions in the following enactments, as amended, in order of precedence, shall be used for the purposes of interpreting this Bylaw and its application:

- 1) Municipal Government Act (R.S.A. 2000, c. M-26)
- 2) Safety Codes Act (R.S.A. 2000, c. S-1)
- 3) Alberta Fire Code
- 4) Explosives Act (R.S.C. 1985, c. E-17)

For greater clarity in this bylaw:

- a) "Fire Chief" shall mean the Chief Officer of the Fire Department who is appointed by Council to manage and administer the Fire Department and includes his/her designate;
- b) "Firecracker" means small fireworks with entwined fuses used solely as noise makers and not for pyrotechnic effect, and without limitation includes bottle rockets and screechers;
- c) "Fireworks" includes both Low Hazard Fireworks and High Hazard Fireworks as defined herein;
- d) "High Hazard Fireworks" means manufactured goods intended to be used for pyrotechnic effects that are classified by the Canada Explosives Regulations as high hazard fireworks (Class 7.2.2) but does not include Firecrackers;
- e) "Low Hazard Fireworks" means manufactured goods intended to be used for pyrotechnic that are classified by the Canada Explosive Regulations as low hazard fireworks for recreation (Class 7.2.1.) such as fireworks showers, fountains, golden rain, lawn lights, pinwheels, volcanoes and sparklers, but does not include Roman Candles;
- f) "Roman Candle" means a ground level firework that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects more than three (3) meters and which has a tube size of $\frac{3}{4}$ " or less.

For words not defined in the above noted enactments reference should be made to the Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.

3. Prohibitions

1. No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Town of Hinton without the written permission of the Fire Department.
2. No person shall wholesale, display for sale, offer for sale, sell, possess or store any Roman Candles within the Town of Hinton.
3. No person shall wholesale, display for sale, offer for sale, sell, possess or store any Firecrackers within the Town of Hinton

4. No person, may obtain, purchase, set off, discharge or otherwise handle fireworks within the Town of Hinton without the written permission of the Town of Hinton Fire Rescue Department.
5. No person, may obtain, purchase, set off, discharge or otherwise handle Roman Candles within the Town of Hinton.
6. No person shall sell fireworks to any person without seeing that person's:
 - a) written permission of the Town of Hinton Fire Rescue Department; and
 - b) Driver's Licence or other photo identification issued by the Government's of Canada or Alberta.
7. No person shall sell fireworks to anyone under the age of 18 years.
8. No person under the age of 18 years shall purchase fireworks.
9. No person shall bring fireworks into the Town of Hinton without the written permission of the Fire Department.
10. No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Town of Hinton without the written permission of the Fire Department.

4. Permissions

1. All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, discharging, firing or setting off fireworks or pyrotechnics displays shall conform to all requirements of the Alberta Fire Code including:
 - a. No permission can be granted to purchase without a corresponding permission to discharge
 - b. Written consent for discharge from the landowner and any neighbouring affected landowners will be required prior to obtaining permission
2. Any person wishing to purchase, possess, handle, discharge or set off low hazard fireworks will require written permission from the Fire Chief to purchase and discharge these products.
3. Notwithstanding subsection 3.3, the Fire Chief may give permission in writing to a person or persons to detonate or explode Firecrackers for religious or ceremonial purposes, with such conditions as he/she sees fit.
4. A Display Supervisor or a Pyro-Technician, holding a valid authorization under the Explosives Act of Canada, may conduct a show after receiving permission to do so in writing from the Fire Chief or, in the absence of the Fire Chief.
5. A Display Supervisor or Pyro-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Department for a written letter of permission to conduct

a display or show. The application in writing will cover all the information required by the Explosives Act and the Alberta Fire Code. It will include, but not be limited to:

- a) Date, time and location of the proposed event,
- b) Names, addresses and certification numbers of all display supervisors or pyrotechnicians and assistants participating in the show,
- c) The name of the sponsor or purchaser of the event,
- d) A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event,
- e) The emergency plan for the event,
- f) Verification of liability insurance, in an amount acceptable to the Town of Hinton,
- g) Payment of the designated application fee, and
- h) Any other information deemed necessary by the Town of Hinton or the Fire Chief.

6. The Fire Chief may choose to issue to a Display Supervisor or Pyro-Technician, written permission for a show or display to take place.
7. The Fire Chief may choose not to issue written permission to anyone for a display or show if, in their opinion, such a display or show may create a risk to life, safety or property.
8. Fireworks may only be sold, purchased and discharged within the following annual timeframes:
 - a) *Ten calendar days prior to and inclusive of the Victoria Day holiday.*
 - b) *Ten calendar days prior to and inclusive of the Sunday following the Canada Day holiday.*
 - c) *Ten days prior to and inclusive of New Year's Day.*
 - d) *Other timeframes of Ten calendar days or less which may be allowed for on a one time basis by resolution of council.*
9. Fireworks may only be sold and purchased between the hours of 8:00 AM and 8:00PM local time.
10. A wholesaler or distributor of fireworks wishing to provide fireworks to a retail vendor in the Town of Hinton must first apply and obtain the written permission of the Fire Chief.
11. A retail vendor wishing to sell fireworks to persons in the Town of Hinton must first apply and obtain the written permission of the Fire Chief. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the Alberta Fire Code.
12. A retail vendor wishing to sell fireworks to persons in the Town of Hinton must retain all the information required from every purchaser by the Alberta Fire Code for a period of not less than two years as outlined in the Alberta Fire Code. This information will include:
 - a) The date of the sale,
 - b) The name, address and phone number of the purchaser,
 - c) A description of the fireworks sold,
 - d) The date and time the fireworks will be discharged,

- e) The location and description of the site where the fireworks will be discharged,
- f) A copy of the written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or from a Forest Officer where the discharge is to take place within a forest protection area, and
- g) A copy of the written permission to purchase fireworks issued by the Fire Department of the Town of Hinton.

13. A person wishing to purchase fireworks in the Town of Hinton must first obtain written permission to discharge, issued by the Fire Department of the municipality where the fireworks will be discharged, or from a Forest Officer where the discharge is to take place within a forest protection area.

14. A person in possession of written permission to discharge fireworks as noted above may apply to the Fire Department of the Town of Hinton for written permission to purchase fireworks from a vendor within the Town of Hinton.

15. The Fire Chief may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.

16. The Fire Chief may choose to revoke any previously issued written letter of permission for reasons of non-compliance with:

- a) The Alberta Fire Code,
- b) The Explosives Act,
- c) The letter of permission, including any terms and conditions,
- d) Changes in environmental conditions, and/or
- e) For any reasons of safety to life, limb or property.

5. Penalties

1. A person who is guilty of an offence is liable to a fine in an amount not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine.
2. Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Town of Hinton) has reasonable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence Court proceedings against such person by issuing the person a violation ticket pursuant to the provisions of the *Provincial Offences Procedure Act*.
3. The issuance of a violation ticket as noted shall require a Court appearance by the person pursuant to Part 2 of the *Provincial Offences Procedure Act*.
4. Notwithstanding subsection (a) the following fine amounts are established for use on Municipal Tags as a voluntary payment option.
 - a) For a first offence \$250
 - b) For a second offence \$500
 - c) Mandatory court appearance for any subsequent offence.

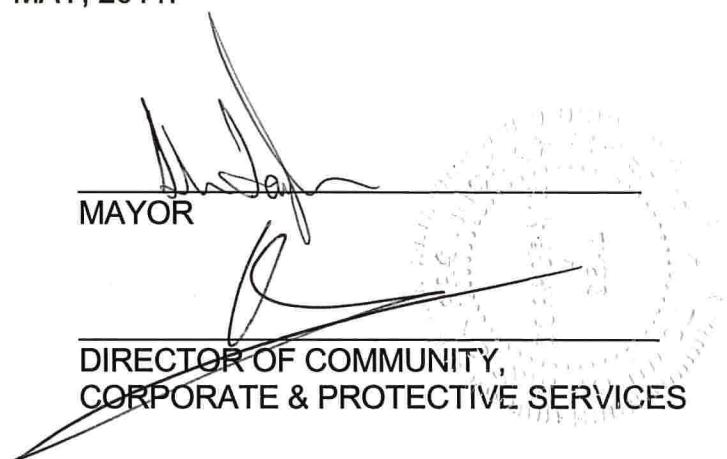
5. Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town of Hinton, or an Enforcement Officer noted above, has reasonable grounds to believe that a person has violated any provision of the Alberta Fire Code, they may commence Court proceedings under the Safety Codes Act against such person by filing an Information pursuant to the provisions of the *Provincial Offences Procedure Act*.

This Bylaw comes into force and effect on final reading.

READ A FIRST TIME THIS 19th DAY OF APRIL, 2011.

READ A SECOND TIME THIS 19th DAY OF APRIL, 2011.

READ A THIRD TIME THIS 3rd DAY OF MAY, 2011.





**Town of Hinton
COUNCIL INFORMATION PACKAGE #1
(June 17, 2015)
In Advance of July 21, 2015 Regular Council Meeting**

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PRIORITY ITEMS

2 1. Letter from Premier R. Notley

CORRESPONDENCE & INFORMATION ITEMS

REPORTS & MINUTES FOR INFORMATION

3 - 5 1. DRAFT CEAC Minutes of May 27, 2015



**Town of Hinton
COUNCIL INFORMATION PACKAGE #2
(June 24, 2015)
In Advance of July 21, 2015 Regular Council Meeting**

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PRIORITY ITEMS

2 1. Letter to Mr. and Mrs. Charles Pambrun re appeal of Order

CORRESPONDENCE & INFORMATION ITEMS

3 - 4 1. GYPSD Board News

5 2. Alberta Transportation Grant Transfer Letter

6 3. Thank You letter from STARS Ambulance for 2015 funds

REPORTS & MINUTES FOR INFORMATION

7 - 9 1. DRAFT Hinton Policing Committee Minutes - June 11, 2015

10 - 12 2. DRAFT CEAC Minutes - June 17, 2015



**Town of Hinton
COUNCIL INFORMATION PACKAGE #3 - 30 Jun 2015
(June 30, 2015)
In Advance of July 21, 2015 Regular Council Meeting**

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PRIORITY ITEMS

CORRESPONDENCE & INFORMATION ITEMS

2 1. Thank You letter from Muscular Dystrophy Canada

REPORTS & MINUTES FOR INFORMATION



**Town of Hinton
COUNCIL INFORMATION PACKAGE #4 - 15 Jul 2015
(July 15, 2015)
In Advance of July 21, 2015 Regular Council Meeting**

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PRIORITY ITEMS

CORRESPONDENCE & INFORMATION ITEMS

2 1. Fohn Festival Thank You

REPORTS & MINUTES FOR INFORMATION

3 - 16 1. Cheque Register June 1-30,2015