



**Town of Hinton
STANDING COMMITTEE MEETING
Agenda
September 8, 2015 - 4:00 PM
Committee Room, Hinton Government Centre**

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. Standing Committee Agenda - September 8, 2015

ACTION AND DISCUSSION ITEMS

- | | |
|---------|---|
| 2 - 15 | 1. Proposed Fire Bylaw #1097 - Todd Martens (15 minutes) |
| 16 - 24 | 2. Proposed Fireworks Bylaw #1098 - Todd Martens (15 minutes) |

ADDITIONAL INFORMATION

1. Town Manager Status Report
2. Urgent Matters from Council
3. Executive Assistant Logistics Information

MOVE IN CAMERA

1. Negotiation Matter (FOIP) (30 minutes)

ADJOURNMENT

1. Adjournment



TOWN OF HINTON DIRECTION REQUEST

DATE: August 31, 2015.

TO: **STANDING COMMITTEE MEETING OF SEPTEMBER 8, 2015**

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

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

APPROVED BY: Mike Schwirtz, Town Manager

RE: **Proposed Fire Bylaw #1097**

Purpose

This item is before Council to seek direction on the final draft of proposed Fire Bylaw #1097 (see Attachment 1). At the Regular Council Meeting of August 18, 2015, Administration was directed to bring the proposed bylaw back to Standing Committee for further discussion.

Issue

At the Regular Council Meeting of August 18, 2015 proposed Fire Bylaw #1097 was brought forward for third and final reading after a requested public feedback period was held. Council, after reviewing the feedback, proposed changes to Section's 27-35 of the bylaw as presented (see Attachment 2). These suggested changes removed specific regulations for recreational fire permits and the need to have recreational fire pits inspected and permitted by the Town. Instead providing for a more judgment based approach by any investigating Peace Officer, Fire Chief or their designate on a complaint driven format.

Administration Comments on Situation / Options

Administration, when reviewing and developing the proposed Bylaw, took several items into consideration with respect to recreational fire pit permits, including what other jurisdictions in Alberta are doing, would the Town of Hinton be setting regulation that would be considered more, less or at standard with other communities, public feedback and risk safety considerations to the Town and its surroundings (ie: wild fire risk, risk to life and property, environmental considerations etc.) Consideration was also made to the interpretation of the proposed regulation, not only by current Council and Administration but by future Council's and Administration as well. Our goal was to ensure that any regulation going into law would have the specific and clearly defined requirements.

Through this research Administration spoke with and reviewed similar regulations from 26 other communities in Alberta. Of the 26 communities 24 were found to be similar if not more restrictive in their requirements. In 2 of the cases the fire pit requirement for distance from a structure was found to be set at 2m. These two cases were decided at 2m based on both communities having full time fire departments, thus response times, prevention programs, inspection services etc. are at a significantly

higher level than Hinton's paid-on-call model (please note that other communities in our research also had full time departments however in these 2 instances this was the direction set).

Administration also took into consideration the public feedback received throughout the period provided after 1st and 2nd readings (refer to the August 18, 2015 Regular Council agenda). From the feedback received through the Fire Rescue & Bylaw Services Department office, 8 people voiced themselves as for the bylaw and 5 against. Of the 8 who provided feedback, 1 person suggested they would like to see a complete ban on fire pits. In addition, the 15+ complaints received through the office since spring of this year were each looking for regulations and enforcement results.

Administration has since taken into consideration both the discussion held by Council and the proposed changes to the bylaw presented by Council on the August 18, 2015 Regular Meeting.

Administration's Conclusion / Proposed Direction

After reviewing all considerations presented through initial research, public feedback and proposed changes presented by Council, Administration is bringing the following options back to Council for discussion and direction (*italicized points represent bylaw modifications before third and final reading*):

- 1) Fire pit regulations to remain in the bylaw as proposed by Administration.
- 2) *Fire pit inspections will only take place upon request or complaint or upon observation during regular Fire Rescue and Bylaw Service business.*
- 3) Requests/complaints will only be considered if filed with the Town through a formal manner; this is required for legal purposes should a file end up in court.
- 4) *Upon inspection, the inspector will provide direction to the resident as to the requirements for the fire pit and provide a 30 day compliance period in which the resident will be permitted to bring their fire pit to the standards laid out within the bylaw.*
- 5) *During that 30-day period the resident will be considered to be under a no burn order. If burning takes place and a complaint is received within that 30-day period the resident may be subject to fines as set out in the penalty schedule of the bylaw.*
- 6) *If before the completion of the 30-day period a resident brings their fire pit up to standard they may request a follow up inspection. If that follow up inspection finds the pit to be within regulations the 30-day no burn period will be lifted and a permit provided to the resident.*
- 7) *After the 30-day period expires a follow up inspection will take place. If at that time compliance has not been made, an order to remove the fire pit will be made. Further complaints after this point may result in fines as set out in the penalty schedule of the bylaw.*
- 8) Residents may request an inspection of their fire pit on their own accord without a complaint being filed.
- 9) Permits once issued will remain at an administrative cost of \$25.00.

Town Manager Comments

Administration is looking at the safety of our community and the liability to the taxpayer first and foremost. We need to work through the above considerations and develop a Bylaw that works for Hinton.

Attachment(s)

1. Proposed Fire Bylaw #1097
2. Councillor Maguhn's Proposed Amendment to Bylaw #1097



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, it's 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;
- x) “Violation Tag” shall mean a tag or similar documents issued by the Town pursuant to the *Municipal Government Act*.
- y) “Violation Ticket” shall mean a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act* and the regulations there under.

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 entre 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 entre, 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 entre, 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 20 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 27 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, 27 and 28 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, where reasonable and probable grounds exist 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 issued pursuant to this Bylaw is guilty of an offence and liable to a fine or penalty on summary conviction, 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. Any Peace Officer may enforce the provisions of this Bylaw and may issue a Violation Tag or Violation Ticket to any Person found to have committed a breach of the Bylaw. The Violation Tag or Violation Ticket shall state the alleged offence, Bylaw Number and voluntary payment option in the amount as found in Schedule "A".
44. An Violation Tag or Violation 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.

- 45. The issuance of a Violation Tag is an initial alternative to a Violation Ticket. If a Violation Tag 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 Violation Tag. After the time limit for payment of the Violation Tag, the Peace Officer may allow a further period of grace within the appropriate fine and the additional \$10.00 may be accepted.
- 46. If a cheque is given in payment for a Violation Tag, 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.
- 47. After the time limit for payment of a Violation Tag has passed a Peace Officer may serve upon the offender a Violation Ticket. Notwithstanding the foregoing, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 48. The imposition of a fine either by issuance of a Violation Tag, Violation Ticket or Summary Conviction in court shall not relieve any Person so fined of any costs incurred in having work performed by the Town where authorized by this bylaw, and nothing in this Bylaw shall limit any rights or remedies of the Town pursuant to the *Municipal Government Act*.
- 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, 27, 30, 31, 35, 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: Mandatory court appearance

**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	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)	\$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

Councillor Maguhn's Proposed Amendment to Bylaw #1097

Council,

Depending of course on debate, it is my intention to introduce an amendment to the Fire Bylaw this evening. I plan on replacing the Section on "Outdoor Recreational Fire" (Sec 27-35) with the following:

Outdoor Recreational Fire

27. No person shall maintain an outdoor recreational fire unless the fire is contained within a fire pit.
28. Fire pits shall not be used in such a way that (according to the judgment a Peace Officer, Fire Chief or designate) they present a threat to property or public safety.
29. Fire pits shall not be used in such a way that (according to the judgment a Peace Officer, Fire Chief or designate) they present an ongoing nuisance to adjacent property owners.
30. No person shall burn any refuse in an outdoor recreational fire.
31. Persons responsible for an outdoor recreational fire are required to supervise the burning and extinguishment of said fire.
32. Any Peace Officer, Fire Chief or designate may issue a stop burn order if (in their judgment) the fire is in contrivance of Sec. 27, 28, 29, 30, 31, or 34.
33. Any person responsible for a fire which has been issued a stop burn order as per Sec 32 shall...
 - 33 (a). Not be permitted to burn a recreational fire at their residence until they have provided the Fire Chief with a written plan in regards to how they intend to avoid the situation which caused the stop burn order to be issued.
 - 33 (b). This written plan shall be completed to the satisfaction of the Fire Chief
 - 33 (c). Any recreational fires burned prior to the completion of the written plan in Sec 33 (a) and (b) shall be treated as an offence under the first part of Schedule A and subject to immediate extinguishment to which the property owner shall be responsible for the costs.
34. Any recreational fire shall be supervised at all times by a responsible person with a readily accessible form of extinguishment.
35. The Fire Chief in collaboration with the Town Manager may recommend (to be approved by order of Council) to order the removal of any outdoor recreational fire pit if the owners of the respective property present an ongoing threat to the safety of property, safety of the public or nuisance.



TOWN OF HINTON DIRECTION REQUEST

DATE: August 31, 2015

TO: **STANDING COMMITTEE MEETING OF SEPTEMBER 8, 2015**

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

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

APPROVED BY: Mike Schwirtz, Town Manager

RE: **Proposed Fireworks Bylaw #1098**

Purpose

This item is before Council to seek direction on the final draft of the proposed Fireworks Bylaw #1098 (Attachment 1). At the Regular Council Meeting of August 18, 2015, Council requested that Administration to bring the proposed bylaw back to Standing Committee for further discussion.

Issue

At the Regular Council Meeting of August 18, 2015 proposed Fireworks Bylaw #1098 was brought forward for third and final reading after a requested public feedback period was held. After reviewing the feedback, Council deferred the decision requesting the bylaw come back to Standing Committee for further discussion and direction. Items that Council are seeking information on at this time include the feasibility of having Fire Rescue & Bylaw Services Department members trained as Certified Display Supervisors, providing the service to residents for special events using these trained Supervisors, and what these options would look like operationally and financially if proceeded with.

Administration Comments on Situation / Options

Administration has since looked further into the possibility of providing trained staff to the public as Display Supervisors and has obtained the following information.

To become a certified Display Supervisor, a person must take a 1 day course through an approved facilitator. Once the course has been completed, the person must then attend a minimum of 3 displays with a certified Display Supervisor (some facilitators require up to 5.) Once completed, an application is filed with the federal government by the facilitator to obtain certification for the applicant. The cost per person is \$200 which covers the course and the application fee. Additional costs may also include training / "practicum" time, travel and accommodation to train and maintain (on an ongoing basis) a minimum of two Display Supervisors on staff at all times. Once certified a company or in this case the Town, would be required to obtain the proper liability insurance to provide such services. This insurance is at a cost of \$15,000 annually regardless of how many shows may be put on in a year.

These costs cannot be accommodated within the current operational budget without compromising existing services / training and would therefore require additional resources in order to provide and maintain this new service. Some of the expenses could be offset if Council established a fee-for-service schedule.

The Fire Rescue & Bylaw Services Department is made up largely of “volunteer” members who would be required to take time away from their work and family life in order to become certified, and then again to accommodate the needs of the community when shows are requested. As well, there may be costs associated with having a member attend an event, equipment needs (if any) and the risk of not meeting expectations to deliver the new service (availability of a Display Supervisor).

Administration’s Conclusion / Proposed Direction

After reviewing all considerations presented through our initial research, public feedback and proposed ideas presented by Council, Administration is bringing the following options back to Council for discussion and direction:

- 1) The Town of Hinton does not provide certified Display Supervisors to the public.
- 2) Administration makes changes to the proposed bylaw that would allow residents to display low hazard fireworks on the following holidays: New Year’s Eve, Canada Day and Labour Day. Without the requirement of having a certified Display Supervisor present, but still requiring a permit from the Fire Rescue & Bylaw Services Department to do so.
- 3) Conduct further research with respect to the bylaw as identified by Council at this Standing Committee meeting.

Upon final direction from Council, any changes receiving consensus will be placed into the proposed bylaw in the appropriate format and presented to Council for third and final reading.

Town Manager Comments

Certifying a Town employee as a Display Supervisor and offering this service is at a minimum a \$15,000+ per year cost and at this time is not identified as a core Town service. Making this service available cost aside, will be very difficult. Multiple requests for fireworks displays on the same night would only be possible if we trained up multiple employees and only if they were available on those dates. This will drive costs even higher.

Permitted use of fireworks of any kind and under any conditions attaches a portion of the liability to the Town of Hinton.

Attachment(s)

1. Proposed Fireworks Bylaw #1098



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 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) "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 Department who is appointed by Council to manage and administer the Fire 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) "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.
- h) "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.
- i) "Violation Tag" shall mean a tag or similar documents issued by the Town pursuant to the *Municipal Government Act*.
- j) "Violation Ticket" shall mean a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act* and the regulations there under.

3. Prohibitions and Regulations

1. No person shall wholesale, display for sale, offer for sale, sell, possess or store any fireworks within the Town of Hinton.
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.
7. 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.
8. 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 Department. Any Person wishing to obtain written permission from the Fire Chief or his designate must hold a valid Fireworks Operator Certificate as a Display Supervisor or Pyrotechnician from Natural Resources Canada Explosives Regulatory Division.
8. A certified Display Supervisor or a Pyrotechnician, may conduct a show after receiving permission to do so in writing from the Fire Chief or his designate.
9. A Display Supervisor or Pyrotechnician 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.
10. The Fire Chief may choose to issue to a Display Supervisor or Pyrotechnician, written permission for a show or display to take place.
 11. 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.
 12. 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.
 13. 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.

4. Penalties and Enforcement

1. Any person who contravenes any part or fails to comply with any notice issued pursuant to this Bylaw is guilty of an offence and liable to a fine or penalty on summary conviction, 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.
2. 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
3. Any Peace Officer may enforce the provisions of this Bylaw and may issue a Violation Tag or Violation Ticket to any Person found to have committed a breach of the Bylaw. The Violation Tag or Violation Ticket shall state the alleged offence, Bylaw Number and voluntary payment option in the amount as found in Schedule "A".
4. A Violation Tag or Violation 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.
5. The issuance of a Violation Tag is an initial alternative to a Violation Ticket. If a Violation Tag 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 Violation Tag. After the time limit for

payment of the Violation Tag, the Peace Officer may allow a further period of grace within the appropriate fine and the additional \$10.00 may be accepted.

6. If a cheque is given in payment for a Violation Tag, 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.
7. After the time limit for payment of a Violation Tag has passed a Peace Officer may serve upon the offender a Violation Ticket. Notwithstanding the foregoing, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
8. The imposition of a fine either by issuance of a Violation Tag, Violation Ticket or Summary Conviction in court shall not relieve any Person so fined of any costs incurred in having work performed by the Town where authorized by this bylaw, and nothing in this Bylaw shall limit any rights or remedies of the Town pursuant to the *Municipal Government Act*.
9. 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.
10. On reasonable and probable grounds a Peace Officer may enter 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.
11. 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 DAY OF, 20.

READ A SECOND TIME THIS DAY OF, 20.

READ A THIRD TIME THIS DAY OF, 20.

MAYOR

DIRECTOR 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: Mandatory Court.