



## TOWN OF HINTON BYLAW #2000

### BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING FIRE RESCUE SERVICES IN AND FOR THE TOWN OF HINTON

**WHEREAS** the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto, provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and for services provided by or on behalf of the municipality;

**AND WHEREAS** the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments, provides that a Council of a Municipality may pass bylaws for municipal purposes establishing a system of licenses, permits or approvals including the establishment of fees and the collection of fees;

**AND WHEREAS** the Town of Hinton has been accredited by the Safety Codes Council pursuant to the Safety Codes Act, R.S.A. 2000, C.S-1;

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

#### Part 1: Interpretation

##### 1. TITLE

1.1 This Bylaw may be referred to as the "Fire Rescue Services Bylaw"

##### 2. DEFINITIONS

2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended.

2.2 "Acceptable Fire Pit" means an outdoor receptacle, located on private residential property, only used for Recreational Fires, and meets the following specifications (Example in Schedule A):

- 2.2.1 a minimum of three (3) metre clearance, measured from the nearest Fire Pit edge shall be maintained from buildings, property lines or any combustible material;
- 2.2.2 the Fire Pit height shall not exceed 0.6 metres when measured from the surrounding grade to the top of the pit opening;
- 2.2.3 the outside width, length or diameter of the Fire Pit opening shall not exceed one (1) metre when measured between the widest outside edges;
- 2.2.4 Fire Pit installation shall have enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Chief Fire Officer; and
- 2.2.5 a Regulation Screen shall be used to cover the Fire Pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.

2.2.6 Acceptable Fire Pit must be installed within the confines of the property of the Owner or occupier.

2.3 "Acceptable Fireplace" means an outdoor receptacle located on private residential property, only used for Recreational Fires and meets the following specifications:

- 2.3.1 a minimum of three (3) metre clearance measured from the nearest Fireplace edge shall be maintained from buildings, property lines or any combustible material;
- 2.3.2 the Fireplace shall be constructed of materials such as bricks or rocks that are heat and flame-resistant;
- 2.3.3 the Fireplace shall be equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the Fire burning area;
- 2.3.4 the Fireplace chimney shall be equipped with a Regulation Screen designed to contain and reduce the hazards of airborne sparks;
- 2.3.5 the base of the Fire burning area shall be not less than 0.3 metres above the surrounding grade; and
- 2.3.6 the Fire chamber shall not exceed 1.25 metres in width and shall be at least 0.4 metres but not more than 0.6 metres in depth.

2.4 "Alarm No Fire" means a request for a fire response to a location where no fire exists but the means of detection worked as designed, or the activator of the alarm did so with the real belief that there was, in fact, a fire. Examples include a detector activating because it detected the products of combustion that it was designed to detect or a person activating a manual pull station because they had reasonable reason to believe a fire existed.

2.5 "Burnable Debris" means those materials permitted to be burned in accordance with applicable statutes and regulations and this bylaw and shall include but is not limited to materials described as:

- 2.5.1 wood material from the construction or demolition of buildings which does not contain wood preservatives;
- 2.5.2 wood material which does not contain wood preservatives or laminates;
- 2.5.3 solid waste from sawmills or planning mills with an annual production of less than 6500 cubic metres of lumber;
- 2.5.4 solid waste from post and pole operations that does not contain wood preservatives or;
- 2.5.5 solid waste from tree harvesting operations.

2.6 "Chattel Fire" means a Fire in which an article or articles of personal property are being burned out-of-doors.

2.7 "Chief Administrative Officer" means that person appointed to the position and title by Council and includes a person appointed by the Chief Administrative Officer to act as such Officer's delegate for purposes of their bylaw.

2.8 "Chief Fire Officer" means the person designated Fire Chief of Hinton Fire Rescue Services by the Chief Administrative Officer.

- 2.9 "Council" means the Council of the Town of Hinton.
- 2.10 "Dangerous Goods" means a product, substance or organism included by its nature or by the regulations in any of the classes listed in the Schedule to the Dangerous Goods Transportation and Handling Act, R.S.A. 2000, c. D-4.
- 2.11 "Deputy Chief Fire Officer" means the person designated as such by the Chief Administrative Officer for the purposes of this bylaw and who acts as a designate of the Chief Fire Officer in their absence.
- 2.12 "Emergency Unit" means a fire truck, pump engine, rescue truck, command unit, bush truck, auxiliary truck, dangerous goods unit, water tender, or any vehicle or trailer provided with machinery, devices, equipment or materials, including vehicles used to transport any member or supplies to combat any Incident.
- 2.13 "False Alarm" means any Fire alarm that is set off needlessly, through willful human or mechanical error, and to which Fire Services responds, but does not include any alarm which the occupant can demonstrate was caused by a storm, lightning, fire, earthquake, non-malicious accidental activation or lack of due diligence.
- 2.14 "Fee" means any amount charged for Fire Protection Services as established by Council.
- 2.15 "Fee for Services Agreement" means an agreement that is approved by Council for the provision of Fire Protection Services to a requesting party by the Fire Services.
- 2.16 "Fire" means the burning of any flammable or combustible material or any combustible material in a state of combustion.
- 2.17 "Fire Ban" means any order, prohibition or restriction of burning from the province or from the Chief Fire Officer or their delegate in accordance with this bylaw.
- 2.18 "Fire Hazard" means any condition, circumstance or event that increases the possibility and/or probability of Fire occurrence.
- 2.19 "Fire Permit" means a permit issued by Fire Services pursuant to the Forest and Prairie Protection Act, this bylaw, or both allowing for the setting of Fires within the Town.
- 2.20 "Fire Protection Services" or "Fire Protection" means any aspect of providing Fire safety as may be determined by Council from time to time, including, but not limited to, Fire Suppression, Fire Prevention, Fire Investigation, Fire permitting, rescue services, attendance to motor vehicle collisions, medical co-responses for medical incidents in support of Alberta Health Services EMS, standby services, public education and information, training and staff development.
- 2.21 "Fire Protection Services Agreement" or "Mutual Aid Agreement" means an

executed agreement in writing between the Town and:

- 2.21.1 any one or more municipalities whose municipal boundaries are adjacent or in proximity to the Town, which describes the reciprocal provision of Fire Protection Services in the event of an Incident where the assistance of the other agency is required and fees for services are established; or
- 2.21.2 any one or more privately owned and operated emergency services which provide for the provision of Fire Protection Services to be delivered on behalf of the Town in the event of an Incident within the boundaries of the Town.

2.22 "Fire Rescue Services" means the Firefighting service as established and organized for the Town of Hinton pursuant to the provisions of this Bylaw consisting of, *inter alia*, all persons appointed to the various positions described herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Firefighting service, including Fire stations.

2.23 "Fireworks" or "Firecracker" means the Fireworks listed in the Alberta Fire Code and the Canada Explosives Act (R.S.C. 1985, c. E-17)

2.24 "Forest and Prairie Protection Act" means the Forest and Prairie Protection Act RSA 2000 c.F-19.

2.25 "Highway" means any thoroughfare, street, road, trail, pathway, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or place or any part of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

2.26 "Incident" means a Fire or a situation where a Fire or an explosion is or may be imminent, or any other situation presenting a danger or possible danger to life or property and to which Fire Services has responded.

2.27 "Incident Commander" means the Member of the Fire Services responsible for Fire Services resources and actions at an Incident in accordance with this bylaw.

2.28 "Incinerator" means a non-combustible structure or container that has the draft and smoke vents thereof covered with a Regulation Screen, which is ventilated in such a manner as to preclude the escape of combustible materials, including ash, and is used for the purpose of burning burnable debris.

2.29 "Incinerator Fire" means a Fire that is confined within an incinerator.

2.30 "Inspection" means an inspection completed for the initial occupancy of a structure, the inspection completed after major renovation of a structure, or the inspection completed as a part of the Quality Management Plan of the Town as per the Safety Codes Act.

2.31 "Level of Service" means the Town of Hinton Fire Rescue Services – Level of Service Policy as adopted by Council and as may be amended from time to time.

2.32 "Member" means any person who is a duly appointed member of the Town Fire Services.

2.33 "Officer" means the Chief Fire Officer, Deputy Chief Fire Officer or other Members having a supervisory position in the Fire Services.

2.34 "Open Air Fire" means any Fire which is not an Incinerator Fire, Pit Fire or Public Park Site Fire and, without limiting the generality of the foregoing, includes grass Fires, forest and brush Fires, running Fires, structure Fires, building Fires, wood scrap Fires, ground thawing Fires and Chattel Fires.

2.35 "Open Air Fire Permit" means a permit issued pursuant to s.7 of this bylaw.

2.36 "Order" means an order issued pursuant to the Forest and Prairie Protection Act, the Safety Codes Act or this bylaw.

2.37 "Peace Officer" means a person as defined in the Peace Officer Act, Statutes of Alberta, 2006, Chapter P-3.5., or a bylaw officer of the Town.

2.38 "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.

2.39 "Pit Fire" means a Fire contained within an Acceptable Fire Pit or an Acceptable Fireplace.

2.40 "Portable Appliance" means any appliance constructed or used for the purpose of cooking food in the out-of-doors.

2.41 "Prohibited Debris" means any material that, when burned, will result in the release to the atmosphere of dense smoke, offensive odours or a substance, the release of which is regulated, prohibited or controlled by the Environmental Protection and Enhancement Act, R.S.A. 2000, c.E-12 or regulations thereunder, and includes but is not limited to:

- 2.41.1 animal carcasses;
- 2.41.2 animal manure;
- 2.41.3 chemicals and chemical containers;
- 2.41.4 combustible material in automobile bodies;
- 2.41.5 combustible material in automobiles;
- 2.41.6 household refuse;
- 2.41.7 non-wooden material;
- 2.41.8 paints and painting materials;
- 2.41.9 pathological waste;

- 2.41.10 rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
- 2.41.11 solid waste from sawmills or planning mills with annual production in excess of 6500 cubic metres of lumber, unless an authorized Fire Permit

has been approved;

2.41.12 tires;

2.41.13 used oil;

2.41.14 wood or wood products containing substances for the purposes of preserving wood.

2.42 "Public Park Site Fire" means a Fire on land owned or leased by the Town for recreational purposes that is confined to a non-combustible container supplied by the Town, as approved by the Chief Fire Officer, or a portable appliance, which is set for the purpose of cooking food. Such Fire may only be fueled with seasoned wood, charcoal, natural gas or propane.

2.43 "Quality Management Plan" or "QMP" means the Quality Management Plan approved by Council for providing Fire Protection Services within the Town.

2.44 "Recreational Fire" means a Fire confined to a non-combustible container, Acceptable Fire Pit or Acceptable Fireplace, which is set for the purpose of cooking, obtaining warmth or viewing pleasure. Such a Fire may only be fueled with seasoned, non-treated wood, charcoal, natural gas or propane and must be placed on a Person's private property.

2.45 "Regulation Screen" means a spark arrestor mesh screen with openings no larger than 1.25 cm at their widest dimension and constructed of expanded metal or equivalent non-combustible material.

2.46 "Remote Area" means a geographical area within the Town that requires a travel time of over ten (10) minutes from a fire station to provide Fire Services.

2.47 "Running Fire" means a Fire burning without being under the proper control of any person.

2.48 "Safety Codes Officer" or "SCO" means a Member who is accredited in the Fire discipline and designated as such pursuant to the Safety Codes Act, RSA 2000, c S-1 and any amendments thereto.

2.49 "Specified Penalty" means a penalty specified in the Fees, Rates, and Charges Bylaw 2001 committing an offence under this bylaw.

2.50 "Town" means the Town of Hinton.

2.51 "Violation Ticket" means a violation ticket under part 2 or part 3 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.

## Part 2: Application

### **3. FIRE SERVICES**

3.1 The Council does hereby establish Fire Rescue Services for the purpose of:

- 3.1.1 Providing Fire Protection Services
- 3.1.2 Preserving life and property and protecting persons and property from injury or destruction of fire incidents;
- 3.1.3 Fulfilling obligations under approved Fire Protection Services Agreements;
- 3.1.4 Advising Council in establishing annual budgets and on the purchase of operating apparatus and equipment for extinguishing fires or preserving life and property.

3.2 Fire Protection Services shall be performed by the members to the Level of Service and in accordance with the standard operating guidelines of the Fire Services, none of which shall be inconsistent with the legislation and regulation of the Province of Alberta.

3.3 The Fire Services shall consist of such members, personnel, buildings, apparatus, and Equipment as deemed appropriate by Council given the resources available to Council for the protection of persons and property from Fire and other incidents.

3.4 No part of the Fire Services, apparatus or Equipment shall be used beyond the boundaries of the Town of Hinton without:

- 3.4.1 The express authorization by way of a Fire Protection Services agreement, a Mutual Aid Agreement, or other written agreements or contracts authorized by Council providing for the supply of Fire Protection outside the Town of Hinton.
- 3.4.2 The approval of the Chief Administrative Officer or their designate.

## **4. OFFICERS AND OTHER AUTHORITIES**

### **4.1 Chief Fire Officer**

- 4.1.1 The office of the Chief Fire Officer is hereby created. The Chief Fire Officer shall ultimately be responsible to the Chief Administrative Officer or their designate and will be appointed to the position by the Chief Administrative Officer.
- 4.1.2 The Chief Fire Officer is hereby authorized to take such action as may be necessary for the development of rules, regulations, SOP's, and policies for the ongoing organization and administration of the Fire Rescue Services and to direct the Fire Rescue Services and its Members to carry out all Fire Protection Services activities in accordance with this bylaw, and any applicable federal, provincial, or municipal regulation, policy, administrative directive, procedure or standard operating guidelines.

### **4.2 Deputy Chief Fire Officer**

4.2.1 The Deputy Chief Fire Officer is the first Officer of the Chief Fire Officer. In the absence of the Fire Chief Officer or acting as their designate, is hereby authorized to take such action as may be necessary for the development of rules, regulations and policies for the ongoing organization and administration of the Fire Services and to direct the Fire Rescue Services and its Members to carry out all Fire Protection Services activities in accordance with this bylaw, and any applicable federal, provincial or municipal regulation, policy, administrative directive, procedure or standard operating guidelines.

#### **4.3 Member Appointment Responsibilities**

- 4.3.1 All Members and Officers shall be appointed to their positions within the Fire Rescue Services by the Chief Fire Officer and shall have the authority, duties and responsibilities as established under this bylaw, any applicable federal, provincial or municipal legislation, policy, administrative directive or standard operating guideline.
- 4.3.2 The Chief Fire Officer is a designated Officer of the Town for the purpose of carrying out any inspection, remedy, enforcement or other action required to be taken with respect to enforcing this bylaw.
- 4.3.3 The Chief Fire Officer shall refer the enforcement of the Safety Codes Act respecting the Fire discipline to the Safety Codes Officer, Fire discipline, in accordance with the Quality Management Plan.
- 4.3.4 Notwithstanding the above, the Chief Fire Officer may, at any time, inspect any building, structure, or place for the purpose of enforcing this bylaw, whether or not a complaint regarding that building, structure or place has been made.

#### **4.4 Powers of Incident Commanders**

The Incident Commander at a Fire or an Incident is the designate of the Chief Fire Officer in the absence of the Chief Fire Officer or the Deputy Chief Fire Officer and is empowered to:

- i. have control, direction and management of any Fire Services apparatus, Equipment, Member or manpower assigned to an Incident, and they shall continue to act until relieved by an Officer authorized to do so.
- ii. cause a building, structure or thing to be pulled down, demolished or otherwise removed if they deem it necessary to prevent the spread of Fire to other buildings, structures or things;
- iii. cause Fire Services to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the Incident in whatever manner, they deem necessary; and
- iv. establish boundaries or limits, at their discretion, and keep persons from entering the area within the prescribed boundaries or limits.
- v. order an evacuation of any building or area which directly or indirectly is involved in an Incident;

- 4.5 No Person shall enter the boundaries or limits of an area prescribed in accordance with Section 4.3 unless he/she has been authorized to enter by the Chief Fire Officer.
- 4.6 Upon approval of the Chief Administrative Officer, the Chief Fire Officer may negotiate on behalf of the Town with the Provincial Government of Alberta and other municipalities and persons for the purpose of establishing Fire Protection Services Agreements or Mutual Aid Agreements including renewals and amendments thereof. Any such agreements, renewals or amendments must be approved by the Council.
- 4.7 For the purpose of Fire investigations and inspections, the Chief Fire Officer may obtain assistance from other officials of the Town, or direct staff, as deemed necessary, in order to discharge the duties and responsibilities under this bylaw.
- 4.8 No Person at an Incident shall impede, obstruct or hinder a member of the Fire Rescue Services, or other person assisting or acting under the direction or at the request of the Chief Fire Officer.
- 4.9 No Person shall willfully damage or destroy Fire Rescue Services apparatus or Equipment.
- 4.10 No Person at an Incident shall drive a vehicle over any equipment without permission of the Incident Commander or the Chief Fire Officer.
- 4.11 No Person shall obstruct a Member from carrying out duties imposed by this bylaw.
- 4.12 No Person shall falsely represent themself or herself as a Fire Rescue Services Member or wear or display any Fire Rescue Services badge, cap, button, insignia or other paraphernalia for the purpose of such representation.
- 4.13 No Person shall obstruct, tamper, or otherwise interfere with access to a Highway or other approaches to any Fire alarm, Fire hydrant, cistern or body of water designated for Firefighting purposes or any connections provided to a Fire main, pipe, stand-pipe, sprinkler system, cistern or other body of water designated for Firefighting purposes.
- 4.14 The Chief Fire Officer at an Incident may request 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 Incident.
- 4.15 The Chief Fire Officer at an Incident is empowered to commandeer such privately owned equipment as they consider necessary to mitigate an Incident.

## **5. REQUIREMENT TO REPORT**

- 5.1 The owner or authorized agent of the owner of any property damaged by Fire shall

immediately report to Fire Rescue Services particulars of the Fire, in a form and to the extent required by the Chief Fire Officer.

5.2 The owner or authorized agent of the owner of any property within or upon which an accidental or unplanned release of Dangerous Goods occurs shall immediately report the release to the proper regulatory authorities and provide the Chief Fire Officer with a copy of such report.

## **6. OPEN AIR FIRES**

6.1 No Person shall permit an Open Air Fire upon land owned, occupied or under their or her control within the Town unless an Open Air Fire Permit has been obtained, the provisions and conditions of the Open Air Fire Permit are complied with, and Burnable Debris only is burned.

6.2 Any Fire permitted or allowed under this bylaw shall be contained to a reasonable size so that the Fire, or any embers, sparks or smoke emanating therefrom, do not endanger any person or property or cause any objectionable effect on nearby property.

6.3 Notwithstanding Section 6.1, an Open Air Fire Permit shall not be required under this bylaw to conduct:

6.3.1 The cooking of food using a portable appliance;

6.3.2 Recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Fireplaces, provided:

- a) only clean fuel is used, such as natural gas, dry wood or charcoal in amounts which will be contained within the burning area of such pit or Fireplace below the Regulation Screen;
- b) the pit or Fireplace is not used to burn Prohibited Debris;
- c) a means acceptable to the Chief Fire Officer of controlling or extinguishing the Fire is available at the site of the Fire or within a reasonable distance thereof; and
- d) a responsible, sober adult is present at the site of the Fire when the Fire is burning;
- e) burning outdoors by indigenous peoples in a non-combustible container for the purpose of spiritual or religious ceremonies.
- f) burning in Fireplaces in or attached to dwellings and constructed in accordance with applicable safety codes;
- g) burning of a Public Park Site Fire;
- h) burning by Emergency Services for the purpose of training its Members.

6.4 If, in the sole opinion of the Chief Fire Officer, Officer or Peace Officer, a Fire or Fire receptacle does not comply with this bylaw, the Chief Fire Officer, Officer or Peace Officer may extinguish or have extinguished the said Fire and order the property owner or Person responsible for the Fire or Fire receptacle to relocate the receptacle on the property or remove the receptacle or the burning materials from the property.

## **7. PROCEDURE TO OBTAIN A FIRE PERMIT**

- 7.1 Any person wishing to obtain an Open Air Fire Permit must apply to the Chief Fire Officer during the normal business hours of the Fire Services.
- 7.2 Each application for an Open Air Fire Permit must contain the following information:
  - 7.2.1 The name and address of the applicant and the name and address of the owner of the land on which the applicant proposes to set a Fire;
  - 7.2.2 The legal and municipal description of the land on which the applicant proposes to set a Fire;
  - 7.2.3 The period of time for which the Fire Permit is required;
  - 7.2.4 The precautions that will be taken by the applicant to ensure that the proposed Fire remains under their or her control;
  - 7.2.5 the signature of the applicant; and
  - 7.2.6 the written consent to the proposed Fire by the owner of the land (if different than the applicant).
- 7.3 Providing false or misleading information to obtain a permit will be considered an offence under this bylaw.
- 7.4 Upon receipt of an application for an Open Air Fire Permit, the Chief Fire Officer shall consider the application and may, pursuant to the provisions of this bylaw and/or the National Fire Code – Alberta Edition:
  - 7.4.1 refuse the application if it does not comply with this bylaw and/or the National Fire Code;
  - 7.4.2 approve the application with or without conditions, or
  - 7.4.3 determines that a permit is not required.
- 7.5 If a Fire Pit is not an Acceptable Fire Pit or if a Fireplace is not an Acceptable Fireplace, the Chief Fire Officer may issue an Open Air Fire Permit if satisfied that the non-conforming Fire Pit or Fireplace meets appropriate safety standards.
- 7.6 An Open Air Fire Permit shall not be transferable.
- 7.7 An Open Air Fire Permit issued pursuant to this bylaw is valid for such period of time as shall be determined and set by the Chief Fire Officer and shall have endorsed thereon the period of time for which the permit is valid.
- 7.8 The Chief Fire Officer may extend in writing the period of time that an Open Air Fire Permit is valid, provided such permit has not expired.
- 7.9 Where an emergency or a potential emergency exists, or during a Fire Ban, the Chief Fire Officer shall be empowered to suspend all Open Air Fires or Fires contained in an Acceptable Fire Pit or an Acceptable Fireplace for such a period of time and on such conditions as may be deemed appropriate by the Chief Fire Officer.

7.10 A permit is required for all commercial burning or flaring within the Town. This type of burning can include, and is not limited to, thawing the ground for construction purposes, controlled burns, public events where a fee is charged for attendance, and Fire extinguisher training. Fires set for the purpose of training Fire Services Members and ground thawing for municipal purposes are exempt from permit requirements.

## **8. FIREWORKS**

8.1 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 is prohibited.

8.2 The Town recognizes that Fireworks are explosive devices which are classified as Dangerous Goods under the Fire Code and which, when used improperly by untrained persons, can cause injury, damage, Fire and death.

8.3 The Town has determined that the sale, storage, purchase and discharge of Fireworks by persons not in possession of a Fireworks display supervisor card as noted creates an unacceptable level of risk to life, health, safety and property.

8.4 No Person shall display for sale, offer for sale, sell, possess or store any Fireworks within the Town.

8.5 No Person, other than a Fireworks display supervisor, may obtain, purchase, handle, and set off, discharge or otherwise Fireworks within the Town.

8.6 No Person, other than an individual who has a valid pyrotechnician's card issued pursuant to the Explosives Act of Canada, shall set up, set off, operate or discharge a pyrotechnic display within the Town.

8.7 A Display Supervisor or a Pyro-Technician, holding valid authorization under the Explosives Act of Canada, may conduct a show only after receiving permission to do so in writing from the Chief Fire Officer.

8.8 A Display Supervisor or Pyro-Technician will apply in writing, a minimum of 28 Calendar days prior to an event, to the Fire Services 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 Fire Code. It will include, but not be limited to:

- 8.8.1 Date, time and location of the proposed event;
- 8.8.2 Names, addresses and certification numbers of all display supervisors or pyro-technicians and assistants participating in the show;
- 8.8.3 The name of the sponsor or purchaser of the event;
- 8.8.4 A full description of the planned event and a list of all materials to be fired, detonated, burnt or energized during the event;

- 8.8.5 The emergency plan for the event;
- 8.8.6 Verification of liability insurance, in an amount acceptable to the Town;
- 8.8.7 Payment of the designated application fee; and
- 8.8.8 Any other information deemed necessary by the Chief Fire Officer.

8.9 The Chief Fire Officer may choose to issue written permission for a show or display to take place to a Display Supervisor or Pyro-Technician, in the form of a signed letter on official letterhead.

8.10 The Chief Fire Officer 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.

- 8.10.1 The Chief Fire Officer may attach any terms and/or conditions in a written letter of permission that they deem appropriate for the individual event.

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

- 8.11.1 The Fire Code;
- 8.11.2 The Explosives Act;
- 8.11.3 The letter of permission, including any terms and conditions;
- 8.11.4 Changes in environmental conditions, and/or
- 8.11.5 For any reasons of safety to life, limb or property.

## **9. PROHIBITED FIRES**

9.1 No Person shall set or cause to be set, any Fire within the boundaries of the Town except as otherwise provided for under this bylaw.

9.2 No Person shall burn or cause to be burned, any Prohibited Debris or other noxious substance within the boundaries of the Town.

9.3 No Person shall use Firecrackers or permit the use of Firecrackers on their property or under their control, within the boundaries of Town.

9.4 No burning is allowed in areas designated as Municipal or Environmental Reserves.

9.5 A Person may not on property not owned or controlled by them, set a Recreational Fire or a warming fire, unless that Recreational Fire is set within an Acceptable Fire Pit or an Acceptable Fireplace.

9.6 When a Fire is set in contravention of Section 9 or during a Fire Ban pursuant to Section 10, the owner or occupier of the land or property where the Fire is lit, or the person having control of the land or property where the Fire is lit, or both, shall:

- 9.6.1 extinguish the Fire immediately;
- 9.6.2 if unable to extinguish the Fire immediately, report the Fire to Fire Rescue

Services as soon as possible;

9.6.3 be subject to a Specified Penalty under this bylaw.

## **10. FIRE BANS**

- 10.1 The Chief Fire Officer may, from time to time, prohibit any or all Fires within the Town or part of the Town, including Recreational Fires, when in the discretion of the Chief Fire Officer, the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 10.2 A Fire Ban imposed by the Chief Fire Officer, under their Section 10 shall be in force until such time as the Chief Fire Officer gives notice to the public that the Fire Ban has been lifted.
- 10.3 When a Fire Ban is in effect, no Person shall ignite a Fire or cause or allow a Fire to be ignited on their property or property under their control, or if the property is located in a public park site within the Town.
- 10.4 Any Fire Permit that was previously issued to property located in the Town and is subject to the Fire Ban will be suspended for the duration of the Fire Ban.

## **11. CONTROL OF HAZARDS**

- 11.1 If the Chief Fire Officer finds within the boundaries of the Town, on privately owned land or occupied public land, conditions that, in their opinion, constitute a Fire Hazard, he/she may give an order to the owner or the Person in control of the land or property, or both, where such conditions exist, to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the Town.
- 11.2 If the Chief Fire Officer finds that the order issued pursuant to Section 11.1 has not been carried out, he/she may enter onto the land with any equipment and any person he/she considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.

## **12. INVESTIGATIONS**

- 12.1 The Chief Fire Officer or their designate may investigate the cause, origin and circumstances of every incident within their jurisdiction in accordance with the Quality Management Plan approved by the Safety Codes Council.
- 12.2 If the Person investigating the incident as described in Section 12.1 has information that indicates a fire is or may have been intentionally set or has resulted in loss of life, the RCMP are to be advised immediately of the incident.
- 12.3 Hinton Fire Rescue Services, subject to the approval of Council, may enter into agreements with other municipalities or agencies to provide fire investigation services.

## **13. RECOVERY OF COSTS**

- 13.1 Where the Fire Rescue Services has responded to an Incident within the Town for the purpose of preserving life or property from injury or destruction by such Incident, and such action taken by Fire Rescue Services is a False Alarm, the Chief Fire Officer, will in respect of any costs incurred by the Fire Rescue Services in taking such action, charge any costs so incurred by the Fire Services to:
  - 13.1.1 the Person who caused the incident; or
  - 13.1.2 the owner or occupant that is control of the property to which services were provided; or
  - 13.1.3 the owner of the property involved where the Incident does not occur on privately owned land.
  - 13.1.4 The Person to whom any Open Air Fire Permit was issued.
- 13.2 The determination of whether an alarm activation is to be considered a False Alarm or an Alarm No Fire, is at the sole discretion of the Chief Fire Officer, and their decision is to be considered final.
- 13.3 Where the Fire Rescue Services has taken any action whatsoever for the purposes of extinguishing a fire or responding to an incident, or for the purpose of preserving life or property from injury or destruction by such Incident, the Chief Fire Officer will, in respect of any costs so incurred by the Town in taking such action, charge any costs so incurred to the Person who caused the incident or the owner or occupant of the land/structure/vehicle in respect of which the action was taken.
- 13.4 The schedule of fees and charges by the Fire Services for services rendered pursuant to this bylaw shall be as defined within the Fees and Charges Bylaw #2001.
- 13.5 In respect of the costs and fees to be charged by Fire Rescue Services in Section 13.
  - 13.5.1 The Town may recover such cost or fee as a debt due and owing to the Town; or
  - 13.5.2 In the case of action taken by Fire Rescue Services in respect of land within the Town, where the cost or fee is not paid upon demand of the Town, then in default of payment, such cost or fee may be added to the property's tax roll; or
  - 13.5.3 In the case where a Person has caused an incident, the Town may add the amount owing to the tax roll of any property for which the Person is the assessed Person.

## **14. OFFENCES AND PENALTIES**

- 14.1 A Person, who contravenes any provision of this bylaw, suffers or permits any act or thing to be done in contravention or in violation of any provision of their bylaw, neglects to do or refrains from doing anything required to be done by the provisions of this bylaw, or any act or thing that omits any act or thing, thus violating any provisions of this bylaw, is guilty of an offence under this bylaw and, is liable for a

Specified Penalty as set out in the Fees and Charges Bylaw #2001.

- 14.2 Any Person who is convicted of an offence pursuant to their bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 plus court costs, and in default of payment of a fine imposed to a period of imprisonment not exceeding six (6) months.
- 14.3 Where a contravention of this bylaw is of a continuing nature, further Violation Tickets may be issued by a Peace Officer, provided that no more than one Violation Ticket per contravention, shall be issued for each calendar day that the contravention continues.
- 14.4 Where a person contravenes the same provision of this bylaw on two separate occasions within a twenty-four (24) month period, the Specified Penalty in respect to the second contravention shall be double the amount specified in the Fees and Charges Bylaw #2001.
- 14.5 Where a person contravenes the same provision of this bylaw three (3) or more times within a twenty-four (24) month period, the Specified Penalty in respect to the third and subsequent contraventions shall be four (4) times the amount specified in the Fees and Charges Bylaw #2001.
- 14.6 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 14.7 A Violation Ticket shall be served upon the person named therein in accordance with the provisions of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.
- 14.8 Where a Safety Codes Officer, or a Peace Officer, 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 Offenses Procedure act.
- 14.9 Nothing in this bylaw shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this bylaw.

## **15. ENFORCEMENT**

- 15.1 Where the property does not comply with this bylaw or a person contravenes this bylaw, the Town may pursue its enforcement alternatives in accordance with this bylaw, any Act or common law right, including but not limited to the issuance of an order to remedy the contravention by the Town, adding amounts to the tax roll and pursuing injunctions pursuant to the Municipal Government Act.

## **16. INDEMNITY**

16.1 The Chief Fire Officer, Deputy Chief Fire Officer, Chief Administrative Officer, Members, Officers and Peace Officers are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers under this bylaw or any applicable legislation or bylaw unless the circumstances constitute defamation, dishonesty, gross negligence or willful misconduct.

## **17. SEVERABILITY**

17.1 Each provision of this bylaw is independent of all other provisions. If any provision of the bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

## **18. INTERPRETATION**

18.1 Wherever the provisions of this bylaw are, or are deemed to be, at variance with each other, the more restrictive of the two provisions shall apply.

18.2 Whenever the singular and masculine gender is used in this bylaw, the same shall include the plural, feminine, and neuter gender whenever the context so requires.

18.3 This bylaw is intended to apply in conjunction with the Town of Hinton Fire Services – Level of Service Policy, Standard Operating Procedures, and the Quality Management Plan.

18.4 The Schedules to this Bylaw may be amended or replaced from time to time by resolution of Council.

## **19. REPEALS AND COMING INTO FORCE**

19.1 Fire Bylaw #1097, Fireworks Bylaw #1098, and all amendments thereto are hereby repealed upon the coming into force of this Bylaw.

19.2 This bylaw shall take effect on the final day of passing.

READ A FIRST TIME THIS 3<sup>rd</sup> DAY OF SEPTEMBER 2024.

READ A SECOND TIME THIS 3<sup>rd</sup> DAY OF SEPTEMBER 2024.

READ A THIRD TIME THIS 3<sup>rd</sup> DAY OF SEPTEMBER 2024.

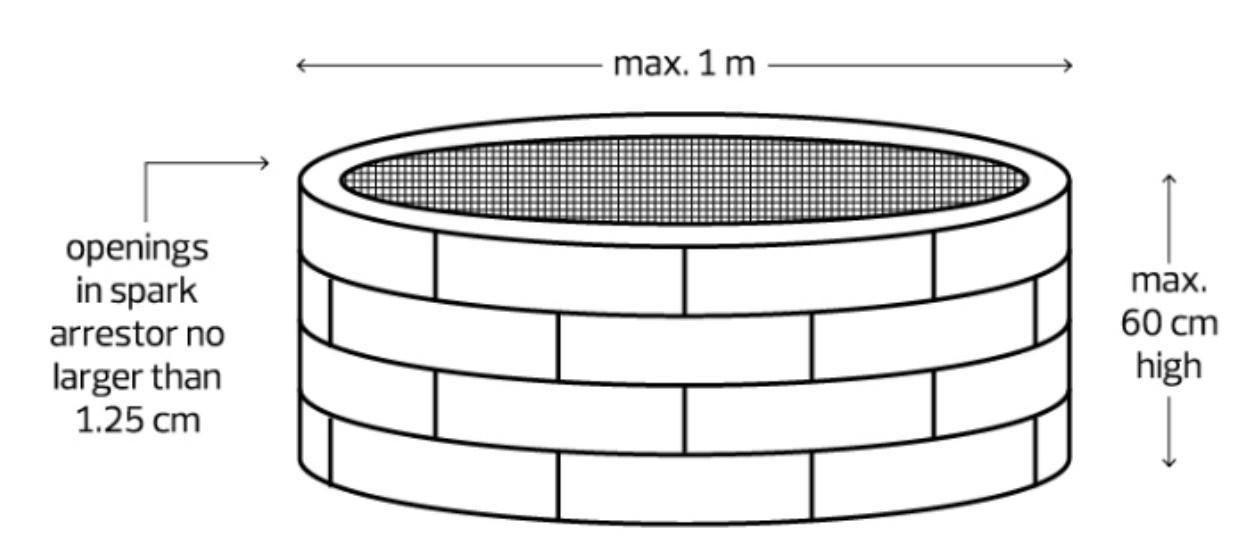
  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

## Schedule “A”

### Recommendations for an Acceptable Fire Pit

- Be at least three (3) metres (10 feet) from buildings, property lines, and anything else that could catch fire.
- Be less than 0.6 metres (2 feet) high
- Be less than one (1) metre (3 feet) wide
- Have enclosed sides made from bricks, concrete or heavy-gauge metal
- Have a mesh screen on top to stop sparks (spark-arrestor) with openings smaller than 1.25 centimetres (1/2 inch).



### Burning the Proper Fuels

The only things that can be burned in an outdoor fire pit are:

- Clean (non-treated), dry wood
- Charcoal

The only things that can be burned in an outdoor fireplace are:

- Preservative-free wood or wood products

Burning yard waste, garbage, paper or anything that might create too much smoke or toxic smoke is prohibited.

## **Limiting Noise and Smoke**

While you may enjoy the smell of wood smoke, not everyone does. Some medical conditions are aggravated by smoke. Make sure that your fire is small and burning clean, dry fuels to limit the amount of smoke drifting onto your neighbours' property.

It is also important to limit the noise from around the fire pit, especially at night.

## **Fire Safety**

Before starting a fire, check to make sure there are no fire bans in your area. The Provincial Department of Alberta Wildfire provides information about every Alberta Fire Ban.

The National Fire Protection Association (NFPA) advises citizens to never leave a fire unattended, even for a short period of time.

For gas fire pits, be sure to turn them off the fuel source after use.

For wood-burning fire pits:

- Always have a hose, bucket of water or shovel with dirt or sand nearby to put out the fire. Make sure to put it out completely before leaving it unattended. Apply water to all coals or make sure there is no heat, glow or flame remaining.
- Dispose of ashes before they have cooled. Empty the ashes in a metal container with a tight-fitting lid that is used only for the ashes. Place the container away from anything that can burn. Never empty the ashes directly into a trash can.