BYLAW 2024-2

A BYLAW OF THE SUMMER VILLAGE OF NAKAMUN PARK, IN THE PROVINCE OF ALBERTA, TO ESTABLISH FIRE SERVICES, TO REGULATE THE PREVENTION AND CONTROL OF FIRES, TO REGULATE FIREWORKS, AND TO AUTHORIZE THE RECOVERY OF FIRE RELATED FEES, EXPENSES, AND CHARGES

WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended, authorizes a council to pass bylaws for municipal purposes respecting the following matters:

- A. The safety, health, and welfare of people and the protection of people and property;
- B. Services provided by or on behalf of the municipality;
- C. The enforcement of bylaws;

AND WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended, further provides that a municipality may provide for a system of licenses, permits, or approvals, and may collect, pursuant to a bylaw, costs and expenses incurred by the municipality in extinguishing fires;

AND WHEREAS the Council of the Summer Village of Nakamun Park wishes to establish fire services within the Summer Village of Nakamun Park and for the efficient operation of such services;

NOW THEREFORE the Municipal Council of the Summer Village of Nakamun Park, duly assembled, hereby **ENACTS AS FOLLOWS:**

PART 1 SHORT TITLE

1 This Bylaw may be cited as the "Fire Services Bylaw".

PART 2 DEFINITIONS

- In this Bylaw, unless the context otherwise requires:
 - (a) "Acceptable Fireplace" means an outdoor receptacle that meets the following guidelines:
 - (i) a minimum of one (1.00) meter (3.28 feet) clearance is maintained from any building, property line, or other combustible materials when measured from the nearest edge of the fireplace;
 - (ii) is constructed of materials such as bricks, rocks, or concrete, that are non-combustible;

- (iii) is equipped with a chimney that is not less than 2.50 meters (8.20 feet) in height when measured from the base of the fire burning area;
- (iv) the chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- the base of the fire burning area is not less than 0.30 meters (11.81) inches) above the surrounding grade; and
- (vi) the fire chamber does not exceed 1.25 meters (4.10 feet) in width and is at least 0.40 meters (1.31 feet), but not more than 0.60 meters (1.97 feet), in depth.
- (b) "Acceptable Recreational Fire Pit" means an outdoor receptacle that meets the following guidelines:
 - a minimum of three (3.00) meters' (9.84 feet) clearance is maintained from any building, property line, or other combustible material when measured from the nearest edge of the fire pit;
 - the fire pit height does not exceed 0.60 meters (1.97 feet) when (ii) measured from the surrounding grade to the top of the pit opening;
 - (iii) the pit opening does not exceed one (1.00) meter (3.28 feet) in width or in diameter when measured between the widest points or outer edges;
 - (iv) the fire pit has enclosed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Fire Chief;
 - (v) is not located over any underground utilities or under above-ground wires;
 - (vi) a spark arrestor mesh screen with openings no larger than 12.50 millimeters (0.04 inches) that is constructed of expanded metal (or equivalent material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks; and
 - (vii) shall only burn solid fuel (clean dry wood) and may be portable or fixed in location.
- "Act" means the *Municipal Government Act*, R.S.A. 2000, c M-26. (c)
- "Alberta Fire Code" means the most current version of the fire safety (d) regulations adopted by the Province of Alberta under the Safety Codes Act, RSA 2000, c S-1.

- (e) "Apparatus" means any vehicle provided with machinery or Equipment for firefighting operated by or for the Fire Department, whether that vehicle operates on land, in the air, or on water.
- (f) "Burn Barrel" means a metal drum or other similar receptacle transformed and modified to dispose of combustible trash, waste, and other materials by incineration.
- (g) "Burnable Debris" has the meaning defined in the Substance Release Regulation 114/2006 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (h) "Burning Hazard" means an actual or potential occurrence of Fire or other combustion of organic or inorganic material that could endanger human life or damage property.
- (i) "CAO" means the Chief Administrative Officer of the Village, or their delegate.
- (j) "Council" means the duly elected municipal council for the Village of Nakamun Park.
- (k) "Dangerous Goods" has the meaning defined in the *Dangerous Goods*Transportation and Handling Act, RSA 2000, c D-4 except that it shall not include gasoline or diesel for residential use in quantities in accordance with the Safety Codes Act, RSA 2000, c S-1.
- (I) "Enforcement Officer" means a bylaw enforcement officer appointed or employed or otherwise contracted by the Village, or a Community Peace Officer appointed or employed or otherwise contracted by the Village, and includes members of the Royal Canadian Mounted Police.
- (m) "Equipment" means any tools, devices, materials, or supplies used by or for the Fire Department to respond to an Incident or other emergency.
- (n) "False Alarm" means any notification by whatever means received, to the Fire Department respecting the existence of a condition, circumstance, Fire, or other event containing an imminent, serious danger to Persons or property, where such condition, circumstance, fire, or other event does not, in fact, exist.
- (o) "Fire Ban" means any Fire ban, whether municipally or provincially declared, that prohibits fires in all, or part, of the Village.
- (p) "Fire Chief" means the Person designated by the Village as the Fire Chief, or their delegate.

- (q) "Fire Department" means the entity established by section 3 of this bylaw, whether by contracting Fire Services from another municipality or other service provider, and includes any Member of such Fire Department.
- (r) "Fire Department Property" means all real and personal property owned or controlled by the Fire Department and designated for use by the Fire Department including, but not limited to, Apparatus and Equipment.
- (s) "Fire Hazard" means combustible material that, through its nature, location, or condition, or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard.
- (t) "Fire Permit" means a permit issued by the Fire Chief pursuant to this bylaw authorizing the setting of a specific type of Fire within the Village.
- (u) "Fire Restriction" means an order issued pursuant to this bylaw for the purposes of Fire prevention and where Fire Permits may be restricted, suspended, or cancelled for the duration, or other scope of, the Fire Restriction.
- (v) "Fire Services" means any and all of the services enumerated in section 3 of this bylaw and includes any other service delivered by or for the Fire Department that is authorized by Council.
- (w) "Fire Service Charges" means:
 - (i) all rates, fees, costs, and charges payable for, or in connection with, the provision of Fire Services which are incurred by the Village including, without limitation, responding to False Alarms;
 - the Village's actual costs for any extraordinary services required or incurred which are beyond normal Fire Services operations such as, without limitation, HAZMAT, additional Equipment, mutual aid from a reciprocating municipality, supplies, vac truck, and site or scene security; and
 - (iii) an administrative fee of five (5.00) percent calculated on the total of (i) and (ii) above.
- (x) "Fireworks" means the pyrotechnics classified as fireworks pursuant to the *Explosives Act*, RSC 1985, c E-17, and its regulations, including Consumer Fireworks, Display Fireworks, and Special Effect Pyrotechnics.
- (y) "Incident" means a Fire or medical situation where a Fire or explosion is imminent, or any other situation presenting danger or possible danger to life,

- property, or the environment, and to which the Fire Department has responded.
- (z) "Member" means any Person who is duly appointed a member of the Fire Department and includes the Fire Chief, Deputy Fire Chief, and firefighters that are full-time, casual, or on-call, or paid or volunteer.
- (aa) "Municipal Tag" means a ticket alleging an offence issued pursuant to a bylaw of the Village and providing a Person with the opportunity to pay a fine amount to the Village in lieu of prosecution for the offence.
- (bb) "Owner" means the Person listed on title as the registered owner of Property at the Land Titles Office.
- (cc) "Obnoxious Odor" means an extremely unpleasant smell which may or may not expose a Person to the harmful chemicals in the products of incomplete combustion.
- (dd) "Person" means any individual, firm, partnership, association, corporation, or society.
- (ee) "Prohibited Debris" has the meaning defined in the Substance Release Regulation 114/2006 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (ff) "Property" means any real or personal property.
- (gg) "Recreational Fire" means a Fire which is lit for the purposes of cooking, obtaining warmth, or viewing and pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane.
- (hh) "Smoke" means the suspension of airborne particulates and gases emitted when a material undergoes combustion or pyrolysis together with the quantity of air that is entrained or otherwise mixed into the mass.
- (ii) "Village" means the Summer Village of Nakamun Park.
- (jj) "Violation Ticket" has the same meaning as defined in the *Provincial Offences Procedure Act,* RSA 2000, c P-34.

PART 3 ESTABLISHMENT AND PURPOSE OF THE FIRE DEPARTMENT

3 The Fire Department is established for the purposes of:

- (a) Preserving life, property, and the environment, and protection of persons and property from injury or destruction by Fire in structural, industrial, vehicle, and wildland Fire situations with Fire Services that include, but are not limited to, the following, all in accordance with the policies and procedures of the Village and all applicable legislation:
 - (i) responding to Incidents;
 - (ii) preventing and extinguishing Fires;
 - (iii) providing motor vehicle extrication within the scope of the Equipment and Member training capability;
 - (iv) providing, or supporting, medical response;
 - (v) providing rescue services within the scope of the Equipment and Member training capability;
 - (vi) carrying out preventative patrols, conduction pre-fire planning, and assisting with fire inspections and investigations;
 - (vii) assisting with emergency management;
 - (viii) fulfilling the requirements of any mutual aid agreements with other municipalities; and
 - (ix) otherwise providing emergency services as required to promote community safety.

PART 4 AUTHORITY OF THE FIRE CHIEF AND FIRE DEPARTMENT

- 4 The Fire Chief and Fire Department authorities are hereby established.
- The Fire Chief and the Fire Department are responsible for the development, rules, regulations, and policies for the ongoing organization and administration of Fire Services.
- 6 Regulations, rules, or policies of this bylaw shall not be inconsistent with provincial legislation or regulations.
- The Fire Chief and the Fire Department are empowered to 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.
- The Fire Chief and Fire Department are empowered to cause the Fire Department to enter on any land or premises, including adjacent lands or premises, to combat, control or otherwise deal with a Fire or Incident in whatever manner the Fire Chief and Fire Department deem necessary.

9 The Fire Chief and Fire Department may obtain assistance from other Village officials for the purpose of assisting with fire investigations, to facilitate inspections, or as otherwise required to fulfill their duties and responsibilities under this bylaw.

PART 5 PERMITTED AND PROHIBITED FIRES

- No Person shall light, cause, or permit to be lit, any Fire upon land which they are the Owner, occupier, or which is under their control, unless the Person holds a valid Fire Permit issued pursuant to this bylaw or the Fire is exempt from the requirement for a Fire Permit under this bylaw.
- 11 No Person shall burn or cause to be burned any Prohibited Debris.
- No Person shall use coal, straw, or used oil as a heat source for a residence within the Village.
- No Person shall use coal, straw, or other combustible material, for ground thawing or other temporary heating conditions without a valid Fire Permit.
- 14 No Person shall use a Burn Barrel, or any other form of incinerator, for incineration within the Village.
- No Person shall allow a fire to create dense smoke or an Obnoxious Odor that creates a risk to public safety.
- 16 A Fire Permit is not required for:
 - (a) a Recreational Fire within an Acceptable Recreational Fire Pit or Acceptable Fireplace that is used for cooking, warmth or personal enjoyment;
 - (b) the use of a Canadian Standards Association (CSA) or UL certified barbeque;
 - (c) any fire table, pit, or other heating device which uses propane or natural gas;
 - (d) a Fire lit for a religious or ceremonial purpose,

provided that:

- a means, acceptable to the Fire Chief, of controlling or extinguishing the Fire is available on the property and within a reasonable distance from where the Fire occurs;
- (ii) the Fire is kept under control and is always supervised by a responsible adult Person until such time as the Fire has been completely extinguished; and
- (iii) flame height does not exceed one (1) meter above the structure or container.

17 This bylaw does not apply to an outdoor Fire lit by the Fire Department for training or preventative control purposes.

PART 6 FALSE ALARMS

- If in any 12-month period, the Fire Department is requested to respond to the same property more than one time for a False Alarm, the process will be as follows:
 - (a) first response education on False Alarms; and
 - (b) second and subsequence responses recovery of Fire Services Charges in accordance with this bylaw.

PART 7 FIRE PERMITS

- 19 Fire Permits are required throughout the entire year.
- An application for a Fire Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Village.
- No Person shall provide false or misleading information on an application for a Fire Permit.
- The fee for a Fire Permit application shall be as set out in the Village's Fees and Charges Bylaw.
- On receipt of complete application for a Fire Permit and the required fee, the Fire Chief may, in their discretion either refuse to issue a Fire Permit or issue a Fire Permit with or without conditions.
- A Fire Permit is valid only for the time expressly indicated on the Fire Permit.
- The Fire Chief may extend the time period that a Fire Permit is valid provided that the extension is requested and approved prior to the expiration of the Fire Permit.
- The Fire Chief may, in their sole discretion, terminate, cancel, or suspend a Fire Permit at any time.
- Upon receipt of notice of termination, suspension, or cancellation, of a Fire Permit, the holder of the Fire Permit shall immediately extinguish any Fire set pursuant to the Fire Permit.
- 28 A Fire Permit is not transferable.

- Any Person to whom a Fire Permit has been issued, and any Person involved in the lighting, supervision, or maintenance of a Fire set pursuant to a Fire Permit, shall comply with all the terms and conditions of the Fire Permit.
- 30 Every Person who sets a Fire pursuant to Fire Permit shall:
 - (a) produce and show the Fire Permit to the Fire Chief, Member, or an Enforcement Officer upon request;
 - (b) keep the Fire at the site of the Fire; and
 - (c) be responsible for any costs incurred by the Fire Department when called upon to extinguish such Fire if, in the opinion of the Fire Chief, the Fire is a hazard to Persons or property, or if the Fire is in contravention of the Fire Permit conditions.

PART 8 FIRE BANS

- When the CAO determines that the prevailing environmental conditions may give rise to an increased risk of Fire, or increased risk of a Fire running out of control, the CAO may, from time to time:
 - (a) limit Fires within the Village through a Fire Restriction; or
 - (b) prohibit all Fires within the Village under a complete Fire Ban.
- 32 A Fire Restriction or Fire Ban may be amended by the CAO or Council.
- A Fire Ban imposed pursuant to this bylaw shall remain in force until either the date and time provided in the notice of Fire Ban, as amended if applicable, or until such time as the CAO or Council provides notice to the public that the Fire Ban is no longer in effect.
- When a Fire Ban is in place, no Person shall light, cause to be lit, or permit to be lit, a Fire on Property that they are the Owner or occupier of, regardless of whether the Person is the holder of a Fire Permit, and any such Person shall immediately extinguish any Fire that has been lit once the Person knows, or ought reasonable to have known, of the Fire Ban.
- When a Fire Ban is in place, a Person may, subject to the requirements of this bylaw and unless the Fire Ban provides otherwise, use a barbeque that burns propane, natural gas, briquettes, or charcoal, provided that the barbeque is used for the purpose of cooking and is used on private property. Similarly, outdoor heating devices, commonly called fire tables, fueled by propane or natural gas, may be used during a fire ban, subject to the requirements of this bylaw and unless a Fire Ban provides otherwise, for the purpose of heating.

PART 9 FIREWORKS

- Except as authorized under section 37 of this bylaw, no Person shall distribute, offer for sale, store, sell, use, discharge, fire or set off Fireworks within the Village.
- 37 Council may approve the use, discharge, fire, or set off of Fireworks for a special event, and Council may attach such conditions as deemed appropriate, in Council's sole discretion, to any such approval.
- For any special event authorized by Council pursuant to section 37 above, the possession, storage, and handling of Fireworks shall at all times be carried out in compliance with the *Explosives Act*, Natural Resources Canada Explosives Regulations, National Fire Code and National Building Codes, Alberta Editions, in compliance with all other applicable federal, provincial, and municipal legislation, regulations, and bylaws, and in compliance with all conditions attached by Council to the approval.

PART 10 DANGEROUS GOODS

- 39 The Owner of any property or conveyance containing Dangerous Goods which sustains an accidental or unplanned release of Dangerous Goods within the Village must immediately report the incident to the Fire Department.
- Dangerous Goods shall not be transported through the Village without property identification and strict adherence to all Federal, Provincial, and municipal regulations and standards.
- Dangerous Goods shall not be stored, transported, used, or released in residential areas of the Village.
- Flammable liquids and combustible liquids for residential use which are stored in quantities in accordance with the Safety Codes Act, RSA c S-1, as amended, shall not be classified as Dangerous Goods for the purposes of this bylaw.

PART 11 FIRE SERVICES CHARGES

- Upon the Fire Department, or a reciprocating municipality under a mutual aid agreement, providing a response to a parcel of land, building, or residence, the Village may, in its discretion, recover Fire Services Charges associated with the response to any or all of the following Persons:
 - (a) the Person or Persons who requested the response;
 - (b) the Person or Persons causing or contributing to a Fire or Incident;

- (c) the occupant of the parcel of land or residence on which the response was provided;
- (d) the Owner of the parcel of land or residence on which the response was provided;
- (e) the Person or Persons with control over the parcel of land or residence on which the response was provided, which may include, without limitation, a property manager.
- 44 All Persons charged for Fire Services Charges are jointly and severally liable to the Village for payment of such Fire Services Charges.
- 45 Fire Services Charges shall be paid within 30 days of receipt of an invoice.
- Collection of unpaid Fire Services Charges may be undertaken by a civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Village is entitled to on the parcel of land in respect of which the indebtedness is incurred.
- Without limiting the generality of section 43, the Owner of a parcel of land within the Village to which Fire Services are provided is liable for Fire Services Charges incurred and the Village may add to the tax roll of the parcel of land all unpaid Fire Services Charges, which shall form a special lien against the parcel of Land in favour of the Village from the date that the amount was added to the tax roll in accordance with the Act.
- A Person who has damaged or destroyed any Apparatus, Equipment or Fire Department Property shall, in addition to any penalty imposed in this bylaw, be liable for and pay upon demand, all costs incurred by the Village or the Fire Department, as applicable to repair or replace the Apparatus, Equipment, or Fire Department Property in Question.

PART 12 INSPECTIONS AND ENFORCEMENT

- Where a parcel of land, property, residence, business, commercial property, or any other property does not comply with this bylaw, or a Person contravenes this bylaw, the Village may pursue its enforcement alternatives in accordance with this bylaw, any enactment or common law right, including issuing an order to remedy contraventions or dangers, remedying contraventions or dangers by the Village, adding amounts to tax rolls, and pursuing injunctions under the Act.
- No Person shall interfere with or obstruct an Enforcement Officer, the Fire Chief, or the Fire Department in the exercise of their powers and duties under this bylaw.
- No Person shall provide false or misleading information to any Enforcement Officer, the Fire Chief, or the Fire Department.

PART 13 CORPORATIONS AND PARTNERSHIPS

- Where a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act of omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act or omission that constitutes the offence, is guilty of the offence.

PART 14 VICARIOUS LIABILITY

For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

PART 15 OFFENCES AND PENALTIES

- A Person who contravenes this bylaw by:
 - (a) doing any act or thing which the Person is prohibited from doing; or
 - (b) failing to do any act or thing the Person is required to do,

is guilty of an offence.

- Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction, to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months, or both.
- Where there is a specified penalty listed for the offence in the Village's Fees and Charges Bylaw, that amount is the specified penalty for the offence.
- Where there is a minimum penalty listed for an offence in the Village's Fees and Charges Bylaw, that amount is the minimum penalty for the offence.

- Where an Enforcement Officer believes that a Person has contravened any provision of this bylaw, the Enforcement Officer may commence proceedings against the Person by issuing a Violation Ticket.
- If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by the Village's Fees and Charges Bylaw for the offence.
- A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by the Village's Fees and Charges Bylaw for the offence and, if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.
- If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.
- If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (a) specify the fine amount established by the Village's Fees and Charges Bylaw for the offence; or
 - (b) require a Person to appear in court without the alternative of making a voluntary payment.
- A Person who commits an offence may, if a Violation Ticket is issued in respect of the offence and the Violation Ticket specifies the fine amount established by the Village's Fees and Charges Bylaw, make a voluntary payment equal to the specified fine.
- The levying and payment of any fine or the imprisonment of any period provided in this bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs for which that Person is liable under the provisions of this bylaw or any other bylaw.
- The Village may exercise discretion in the application of this bylaw and its contents as defined in section 529 of the Act.
- An Enforcement Officer may use discretion, mediation, or provide education and increased awareness as an alternative to issuing Municipal Tags or Violation Tickets.

PART 16 INTERPRETATION

In this bylaw, a citation or reference to any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the Village is a citation of or reference to that act, regulation, or bylaw, as amended, whether amended before or after the commencement of the act, regulation, or bylaw in which the citation or reference occurs.

- 69 Nothing in this bylaw relieves a Person from complying with any provision of any provincial or federal legislation or regulation, other Village bylaw, or any requirement of any lawful permit, order, or license.
- 70 In the event of any inconsistency between imperial and metric measurements in this bylaw, the metric measurements shall prevail.

PART 17 SEVERABILITY

71 Should any provision of this bylaw be invalid, then such provision shall be severed, and the remainder of the bylaw shall remain in force.

TRANSITION AND COMING INTO FORCE **PART 18**

72 This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaws 2002-04, 2016-1 and 2015-02 are hereby repealed.

READ A FIRST TIME

THIS 22 DAY OF February, 2024
THIS 22 DAY OF February, 2024

READ A SECOND TIME

UNANIMOUS CONSENT to proceeding to third reading this 22 DAY OF Flemmy, 2024

READ A THIRD TIME

THIS <u>32</u> DAY OF <u>Flanuary</u>, 2024

SUMMER VILLAGE OF NAKAMUN PARK

MARGE HANSSEN

Mayor

DWIGHT MOSKALYK

Chief Administrative Officer