

RURAL MUNICIPALITY OF FRENCHMAN BUTTE NO. 501

BYLAW NO. 2021-07

A BYLAW TO REGULATE FIRE SERVICES

The Council of the Rural Municipality of Frenchman Butte No. 501 enacts as follows:

SECTION 1, TITLE

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

SECTION 2, DEFINITIONS

2.1 In this Bylaw:

- a) **"Apparatus"** means any vehicle provided with machinery, or equipment for firefighting operated by or for Fire Protection Services whether that vehicle operates on land, in the air, or on water;
- b) **"Barbeque"** means a portable fireplace fueled by propane, natural gas, wood pellets and charcoal over which various cuisine is roasted.
- c) **"Burn Permit"** means permit issued by the municipality pursuant to this Bylaw to allow for Controlled Burns within the municipality;
- d) **"Burning Barrel Fire"** means a fire contained to a non-combustible structure or container and covered with a heavy gauge metal screen of a mesh size sufficient to prevent the escape of sparks or embers
- e) **"Chief Administrative Officer" "CAO"** means the chief administrative officer of the municipality;
- f) **"Controlled Burn"** means a fire that is lit for the purpose of burning organic material including, without limitation, trees or stubble but does not include a Burning Barrel Fire, Incinerator, outdoor furnace or a Recreational Fire;
- g) **"Council"** means the council of the Municipality;
- h) **"Equipment"** means any tools, devices, materials or supplies used by or for Fire Protection Services to respond to an Incident;
- i) **"Fire"** means any type of fire, including a wildfire.
- j) **"Fire Ban"** means an order issued under *The Wildfire Act*, or an order issued pursuant to this Bylaw prohibiting the lighting of, and requiring the extinguishment of all open burning fires within the Municipality;
- k) **"Fire Hazard"** means any of the following:
 - (i) Combustible material that:
 - (a) Through its characteristics, type, condition, quantity, location, distribution, continuity or arrangement, increase the potential for starting a fire;
 - (b) May contribute to the spread of fire; or
 - (c) May affect the ability to suppress a fire;
 - (ii) Activities that, due to their nature or concentration, pose a high risk for starting a fire;
 - (iii) The operation of equipment that, due to its design, location, poor maintenance, condition, defect or use, may contribute or start a fire;
 - (iv) A situation or circumstance that, due to lack of precautions and preventative measures taken, increases the risk to life, property or the environment from wildfire;
 - (v) Other circumstances or conditions that, through their nature, location, condition or arrangement, or through any combination of the factors mentioned in subsections (i) to (iv), could create a fire hazard



- l) **"Fire Protection Services"** means any and all of the services enumerated in Section 3.1 and includes any other service delivered by or for Fire Protection Organizations that is authorized by Council;
- m) **"Fire Protection Charges"** means all costs or charges incurred for Fire Protection Services as per current fire service agreements entered into by the Municipality with Fire Protection Organizations;
- n) **"Fire Protection Organizations"** means the organizations that provide Fire Protection Services under contract with the Municipality;
- o) **"Fire Services Organization"** shall mean local fire departments;
- p) **"Fireworks"** means any article defined as a firework pursuant to The Canada Explosives Act or any Regulations thereto, shall also include Low Hazard Fireworks and High Hazard Fireworks and Manufactured Fireworks and include fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes and sparklers and rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and firecrackers, or any firework composition that is enclosed in any case or contrivance or is otherwise manufactured or adapted for the production of pyrotechnic effects, signals or sound but does not include sparklers, christmas crackers, caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive per cap.
- q) **"Gas Flare"** alternatively known as a flare stack, is a gas combustion device used in industrial plants such as petroleum refineries, chemical plants, natural gas processing plants as well as at oil or gas production sites having oil wells and gas wells;
- r) **"Incident"** means a fire or situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or property;
- s) **"Incident Command"** means the highest ranking member of the Fire Services Organization who first arrives at the scene of an Incident;
- t) **"Municipality"** means the Rural Municipality of Frenchman Butte No. 501;
- u) **"Municipal Officials"** for the purpose of issuing a fire ban shall mean Reeve, Deputy-Reeve, Chief Administrative Officer and Fire Chiefs.
- v) **"Open Burning"** means a fire where any material is burned on the ground or in an open receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney with a spark arrester.
- w) **"Outdoor Fire"** means any fire in the Municipality started or caused by any person, including without limitation a Controlled Burn, a Burning Barrel Fire and a Recreational Fire but does not include a Gas Flare and an Incinerator or Furnace with a spark arrester;
- x) **"Prohibited Debris"** means any combustible hazardous waste as defined in *The Environmental Management and Protection Act, 2010* and any amendments thereto;
- y) **"Recreation Fire"** means a fire contained within a non-combustible structure or container, which is lit for the purpose of cooking, obtaining warmth or viewing for pleasure and is fueled solely by dry wood;
- z) **"Reeve"** means the Reeve of the Municipality;
- aa) **"Wild fire"** means an unplanned fire that burns organic soil, grasses, shrubs, trees and associated vegetative fuels in their natural or modified state, and does not include structural, vehicle or landfill fires;

SECTION 3, FIRE PROTECTION

- 3.1 Council pursuant to this Bylaw will contract Fire Protection Services for the Municipality with Fire Protection Organizations for the purpose of:
- a) preventing and extinguishing fires;
 - b) preserving life and property and protecting persons and property from injury or destruction by fire;

- c) enforcing the requirements of the Municipality under *The Wildfire Act*,
 - d) preventing, combating and controlling Incidents;
 - e) carrying out preventable controls;
 - f) maintaining and operating Apparatus and Equipment for extinguishing fires and preserving life and property;
 - g) providing rescue services for motor vehicles collisions, not water or ice rescue;
- as set out in the policies and guidelines of the contracting Fire Services Organizations; and all applicable legislation.

SECTION 4, AUTHORITY AND RESPONSIBILITY OF INCIDENT COMMAND

- 4.1 Incident Command at an Incident shall have control, direction and management of all Apparatus, Equipment and manpower assigned to that Incident and shall continue to act as the Incident Command until Incident Command is transferred to another person or the Incident ends.
- 4.2 Incident Command shall take action as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to:
 - a) enter, pass through or over buildings, structures or property whether adjacent or in proximity to an Incident and to cause Fire Protection Organizations or Apparatus or Equipment to enter or pass through or over the building, structure or property without permission;
 - b) establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized;
 - c) cause a building, structure or thing to be pulled down, demolished or otherwise removed;
 - d) request Municipal manpower and equipment which is considered necessary to deal with an Incident; and
 - e) request any adult person to assist in:
 - i. extinguishing a fire or preventing the spread thereof;
 - ii. removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
 - iii. demolishing a building or structure at or near the fire or other Incident.

SECTION 5, CONTROLLED BURN

- 5.1 Any person that lights a Controlled Burn upon land owned or occupied by such person must report the fire in advance to the controlled burn phone line designated by the Municipality on their website and obtain a burning permit "Form A" from the Municipal Office.
- 5.2 In the event no advance reporting of the Controlled Burn is made and should Fire Protection Services be dispatched to the site of the Controlled Burn even though the Controlled Burn is being supervised and under control, the person supervising the Controlled Burn or the owner or occupant of the parcel of land shall be responsible for Fire Protection Charges and Section 8 of this Bylaw shall apply.

SECTION 6, PERMITTED AND PROHIBITED FIRES

- 6.1 Any person that lights or causes to be lit any Outdoor Fire or permits any Outdoor Fire upon land owned or occupied by such person or under such person's control within the boundaries of the Municipality shall do so as provided by this Bylaw.
- 6.2 No person shall burn or cause to be burned any Prohibited Debris within the boundaries of the Municipality.
- 6.3 No person shall, at any time of the year, light or cause to be lit an Outdoor Fire or permit any Outdoor Fire on any property less than 1 acre in size unless the fire is a Recreational Fire.
- 6.4 Subject to Section 6.3 a Controlled Burn, Burning Barrel Fire or Recreational Fire is permitted provided that:
 - a) the fire is kept under control and supervised at all times by a responsible adult person until such time that the fire has been completely extinguished.



- 6.5 This Bylaw does not apply to:
- a) an Outdoor Fire lit by Fire Protection Organizations for training or preventative control purposes;
 - b) an Outdoor Fire prescribed by regulations under The Wildfire Act, or
 - c) a fire contained to an incinerator regulated under The Environmental Management and Protection Act, 2010.
 - d) Gas Flares
- 6.6 In the event there is a failure to control an Outdoor Fire and Fire Protection Services are provided to the fire area, the owners or occupants of the parcel of land shall be responsible for Fire Protection Charges and Section 8 of this Bylaw shall apply.

SECTION 7, FIRE BAN

- 7.1 Fire ban classifications shall be:
- (a) Level 1 Fire Ban:
 - (i) All open burning in RM is banned
 - (ii) Exemptions to a Level 1 Fire Ban providing there is supervision and a fire extinguish plan.
 - a) Recreational camp fires
 - b) Barbeques
 - (b) Level 2 Fire Ban:
 - (i) All open burning in RM is banned
 - (ii) Exemptions to a Level 2 Fire Ban providing there is supervision and a fire extinguish plan
 - a) Barbeques
- 7.2 If determined by council the prevailing environmental conditions could give rise to an increased risk of a fire running out of control, council may by resolution issue a fire ban which prohibits specific fires in the Municipality.
- 7.3 A Fire Ban imposed pursuant to Section 7.2 of this Bylaw, shall remain in force until either the expiry date provided in the notice of the Fire Ban or until such time as the CAO provides notice to the public that the Fire Ban is no longer in effect.
- 7.4 Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signs posted throughout the Municipality, in locations to be determined by the Municipality, through public service message on the local radio stations, or by any other means which the CAO determines is appropriate for the purpose of informing the public of the Fire Ban.
- 7.5 When a Level 2 Fire Ban is in place, no person shall ignite any Controlled Burns and shall immediately extinguish any Controlled Burns lit once the person knows or ought reasonably to know of the Level 2 Fire Ban and all burning permits are immediately cancelled.

SECTION 8, FIRE PROTECTION CHARGES

- 8.1 Upon Fire Protection Services being provided on a parcel of land within the Municipality's boundaries, the Municipality shall, in its sole and absolute discretion, invoice Fire Protection Charges to the owner or occupant of the parcel of land;
All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Municipality.
- 8.2 Excepting where contraventions of this Bylaw, or any other municipal statute, provincial statute or federal statute have occurred, including, but not limited to burning during a Fire Ban, Fire Protection Charges shall be charged to a maximum of \$10,000.00 per property per incident. Properties with any non residential or non agricultural zoning, and/or any property with any non residential or non agricultural tax class shall not be provided the maximum charge, and shall be subject to Fire Protection charges in full.
- 8.3 Fire Protection Charges shall be paid within sixty (60) days of receipt of the invoice.
- 8.4 The CAO shall as per Section 369(1)(d) of *The Municipalities Act* add to the taxes of any property owned, occupied or inhabited by the person



referred to in 8.1 of this Bylaw any amount that remains unpaid at the end of the calendar year.

SECTION 9, OFFENCES

- 9.1 No person shall:
- a) contravene any provisions of this Bylaw.
- 9.2 Any person who contravenes any provision of this Bylaw is guilty of an Offence and liable on summary conviction to a fine of not more than:
- a) \$2,000.00 in the case of an individual
 - b) \$3,000.00 in the case of a corporation;
 - c) \$500.00 per day in the case of a continuing offence.

SECTION 10, SEVERABILITY

10.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

SECTION 11, REPEAL

11.1 Bylaw 2018-11 is hereby repealed.

SECTION 12, EFFECTIVE DATE

12.1 This Bylaw shall come into force and effect upon third and final reading.




Reeve


Chief Administrative Officer

Read a third time and adopted
this 11th day of August, 2021