

Date of Consolidation: April 20, 2015

Consolidation of Bylaw No. 351-95

FIRE SERVICES BYLAW

Adopted March 11, 1996

As Amended By:

Bylaw No. 506-2001 adopted September 10, 2001

Bylaw No. 712-2008 adopted December 8, 2008

Bylaw No. 874-2014 adopted December 8, 2014

This Consolidation is not an Official Bylaw. It is prepared by the City Clerk's Office for assistance only. Copies of the Official Bylaw(s) may be purchased from the City Clerk's Office.

This Consolidated Bylaw was authorized pursuant to Bylaw No. 389-97.

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**A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA FOR THE
PURPOSE OF ESTABLISHING FIRE SERVICES IN AND FOR THE CITY OF LEDUC**

WHEREAS: the *Municipal Government Act*, R.S.A. 1994, Chapter M-26.1, as amended, 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

AND WHEREAS: the Municipal Council of the City of Leduc has been accredited by the Safety Codes Council in its respective Municipality;

AND WHEREAS: the Council of the City of Leduc wishes to establish Fire Services within the City of Leduc and to provide for efficient operation of such Fire Services;

NOW THEREFORE: the Council of the City of Leduc in the Province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1 - NAME OF BYLAW

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

SECTION 2 - DEFINITIONS

2.1 In this Bylaw:

- (a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications:
- (i) a minimum of 3 metres clearance, measured from the nearest fire pit edge is maintained from buildings, property lines or other combustible material;
 - (ii) the fire pit height does not exceed .6 metres when measured from the surrounding grade to the top of the pit opening;
 - (iii) the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;

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- (iv) the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Manager, Fire Services; and
 - (v) a spark arrestor mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- (b) "Acceptable Fireplace" means an outdoor receptacle that meets the following specifications:
- (i) a minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
 - (ii) the fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
 - (iii) the fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
 - (iv) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - (v) the base of the fire burning area is not less than .3 metres above the surrounding grade; and
 - (vi) the fire chamber does not exceed 1.25 metres in width, and is at least .4 metres but not more than .6 metres in depth.
- (c) "Burnable Debris" means those materials permitted to be burned in accordance with Statutes and Bylaws written to protect and enhance the environment, and shall include, but are not limited to, materials described as:
- (i) straw and stubble;
 - (ii) grass and weeds;
 - (iii) leaves and tree prunings;
 - (iv) brush and fallen trees on newly cleared land or associated logging operations;
 - (v) used power, telegraph and telephone poles that do not contain preservatives;

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- (vi) wood material from the construction or demolition of buildings which does not contain wood preservatives;
 - (vii) solid waste from sawmills or planing mills with an annual production of less than 6500 cubic metres of lumber;
 - (viii) solid waste from post and pole operations that does not contain wood preservatives; or
 - (ix) solid waste from tree harvesting operations.
- (d) "Council" means the Council of the City of Leduc.
- (e) "City" means the City of Leduc.
- (f) "Dangerous Goods" means any product, substance or organism specified in the Regulations or included by its nature in any of the classes listed in the Regulations under the *Transportation of Dangerous Goods Control Act*, R.S.A. 1980, Chapter T-6.5, as amended.
- (g) "Emergency Unit" means a fire truck, pumper truck, rescue truck, brush truck, dangerous goods unit or tanker.
- (h) "False Alarm" means any fire alarm that is set off needlessly, through willful or accidental, human or mechanical error, and to which Fire Services responds.
- (i) "Fire Services" means Fire Services as established and organized for the City pursuant to the provisions of this Bylaw consisting of inter alia, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of Fire Services, including Fire Stations.
- (j) "Fireworks" means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivision 1 and 2 in Section 14 of the Explosives Regulations (Canada) and Section 5.2 of the Alberta Fire Code.
- (k) "Incident" means a fire or a situation where a fire or an explosion is imminent or any other situation presenting a danger or possible danger to life or property and to which Fire Services has responded.
- (l) "Incinerator Fire" means a fire that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size not larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials

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including ash, which fire is set for the purpose of burning refuse, excepting plastic products.

- (m) "Manager, Fire Services" means the Manager of Fire Services for the City of Leduc that performs the duties and responsibilities of a Fire Chief.
- (n) "Open Air Fire Permit" means an approved application in writing in the prescribed form set out by the City of Leduc Fire Services and such other information as may be required by Fire Services.
- (o) "Member" means any person who is a duly appointed member of Fire Services, including a part-time member.
- (p) "Open Fire" means any fire which is not an incinerator fire, pit fire, public park site fire and which, without limiting the generality of the foregoing shall include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.
- (q) "Part-time Member" means:
 - (i) a person who is a duly appointed member of Fire Services.
- (r) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- (s) "Prohibited Debris" means any material that when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with Statutes and Bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:
 - (i) animal cadavers;
 - (ii) animal manure;
 - (iii) pathological waste;
 - (iv) non-wooden material;
 - (v) combustible material in automobiles;
 - (vi) combustible material in automobile bodies;
 - (vii) tires;
 - (viii) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (ix) solid waste from sawmills or planing mills with an annual production in excess of 6500 cubic metres of lumber;

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- (x) used oil;
 - (xi) wood or wood products containing substances for the purposes of preserving wood; or
 - (xii) household refuse.
- (t) "Public Park Site Fire" means a fire on land owned or leased by the City or its agents for recreational purposes and is confined to either a non-combustible container supplied by the City, as approved by the Manager, Fire Services, or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fueled with seasoned wood, charcoal, coal, natural gas or propane.
- (u) "Running Fire" means a fire burning without being under the proper control of any person.
- (v) "Violation Tag" means a tag or similar document issued by City pursuant to the *Municipal Government Act*, R.S.A. 1994 Chapter M-26-1 as amended.

SECTION 3 - FIRE SERVICES

- 3.1 The Council does hereby establish Fire Services, for the purpose of:
- (a) preventing and extinguishing fires;
 - (b) investigating the cause of fires in accordance with the Quality Management Plan approved by the Safety Codes Council;
 - (c) preserving life and property and protecting persons and property from injury or destruction by fire;
 - (d) providing rescue services;
 - (e) preventing, combating and controlling incidents;
 - (f) carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Quality Management Plan approved by the Safety Codes Council;
 - (g) entering into agreements with other Municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;

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- (h) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property; and
- (i) enforcing the provisions of the *Safety Codes Act* and its regulations.

SECTION 4 - MANAGER, FIRE SERVICES

- 4.1 The Manager, Fire Services authority is granted by City policy and the *Safety Codes Act*. The Manager, Fire Services shall ultimately be responsible to the City Manager.
- 4.2 The Manager, Fire Services shall perform such functions and have such powers and responsibilities as the City Manager may from time to time prescribe.
- 4.3 The Manager, Fire Services is responsible for the development, rules, regulations and policies for the ongoing organization and administration of Fire Services.
- 4.4 Regulations, rules or policies of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 4.5 The Manager, Fire Services, or any other Member in charge at an incident, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.6 The Manager, Fire Services, or any other Member in charge at an incident, is empowered to 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 the Manager, Fire Services deems necessary.
- 4.7 Upon approval of the City Manager, negotiate on behalf of the City Manager with the Provincial Government of Alberta, other Municipalities and persons for the purpose of establishing Mutual Aid Agreements and Fire Control Agreements with recommendations and concerns regarding the establishing or renewing of any Mutual Aid Agreement or Fire Control Agreement or amendments thereto.
- 4.8 For the purpose of Fire Investigations and Inspections, the Manager, Fire Services may obtain assistance from other Officials of the City, as he deems necessary, in order to discharge his duties and responsibilities under this Bylaw.

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SECTION 5 - REQUIREMENT TO REPORT

- 5.1 The Owner or his authorized Agent of any property damaged by fire shall immediately report to Fire Services particulars of the fires which are satisfactory to the Manager, Fire Services.
- 5.2 The Owner or his authorized Agent of any property containing a dangerous good(s) product which sustains an accidental or unplanned release of the dangerous good(s) product shall immediately report to the Manager, Fire Services particulars of the release which are satisfactory to the Manager, Fire Services.

SECTION 6 - OPEN AIR FIRES

- 6.1 No person shall permit an open air fire or any other fire upon land owned, occupied, or under his or her control within the City, unless a permit has been obtained, the provisions outlined on the permit are complied with, and burnable debris is burned.
- 6.2 Notwithstanding Section 6.1, a permit shall not be required under this Bylaw to conduct:
- (a) the cooking of food using a portable barbecuing appliance;
 - (b) recreational burning or the cooking of food in acceptable fire pits or acceptable fireplaces, provided:
 - (i) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
 - (ii) the fire pit or fireplace is not used to burn prohibited debris;
 - (iii) a means, acceptable to the Manager, Fire Services, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - (iv) a responsible adult is present on the property when the fire is burning;
 - (c) burning in fireplaces in or attached to dwellings as provided by Legislation;

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- (d) burning in City owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the City;
- (e) burning in an incinerator for which a permit to construct and licence to operate has been issued pursuant to the applicable Legislation; or
- (f) burning by the Fire Services Department for the purpose of training its members.

SECTION 7 - PROCEDURE TO OBTAIN OPEN AIR FIRE PERMIT

- 7.1 Any person wishing to obtain an Open Air Fire Permit must apply to the Manager, Fire Services during the normal business hours of the Fire Services Department.
- 7.2 Each application for an Open Air Fire Permit must contain the following information:
 - (a) 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;
 - (b) the legal and Municipal description of the land on which the applicant proposes to set a fire;
 - (c) the period of time for which the fire permit is required;
 - (d) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - (e) the signature of the applicant; and
 - (f) the written consent to the proposed fire by the owner of the land (if different than the applicant).
- 7.3 Upon receipt of an application for a permit, the Manager, Fire Services shall consider the permit application, and may, pursuant to the provisions of this Bylaw and the Alberta Fire Code:
 - (a) refuse to grant a permit;
 - (b) grant a permit with or without terms and conditions as he deems appropriate; or
 - (c) determine that a permit is not required.

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- 7.4 Without limiting the generality of Section 7, if a fire pit is not an acceptable fire pit or if a fireplace is not an acceptable fireplace, the Manager, Fire Services may issue a permit if satisfied that the non-conforming fire pit or fireplace meets appropriate safety standards.
- 7.5 The permit fee shall be as set out in the Fees and Charges Bylaw and shall be paid upon approval of the permit application. **Amended – Bylaw 874-2014 adopted December 8, 2014**
- 7.6 A permit shall not be transferable.
- 7.7 Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Manager, Fire Services and the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 7.8 The Manager, Fire Services may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.

SECTION 8 - RECOVERY OF COSTS

- 8.1 Where Fire Services has taken any action whatsoever for the purpose of Fire Department site inspections for regulated occupancies' requested site inspections and required fire investigations, business inspections, file search, report copies, duplicate of photograph, photocopy of photograph, permit to sell fireworks (low level) or shop goods, permit to discharge fireworks (low level), site inspection and permit for flammable or combustible fuel tank installation, site inspection and permit for flammable or combustible fuel tank removal or an open air fire permit, the permit fee as set out in the Fees and Charges Bylaw shall be paid to Fire Services. **Amended – Bylaw 874-2014 adopted December 8, 2014**
- 8.2 Extinguishing a fire or responding to a fire call or incident within or outside the City or for the purpose of preserving life or property from injury or destruction by fire or other incident, on land within or outside the City, including any such action taken by Fire Services on a false alarm, the Manager, Fire Services may, in respect of any costs incurred by Fire Services in taking such action, charge any costs so incurred by Fire Services to the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
- 8.3 The schedule of fees and charges to be charged by Fire Services for services rendered pursuant to this Bylaw shall be as set out in the Fees and Charges Bylaw. **Amended – Bylaw 874-2014 adopted December 8, 2014**

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- 8.4 In respect of the fees or charges described in Sections 8.1, 8.2 and 8.3:
- (a) the City may recover such fees or charges as a debt due and owing to the City; or
 - (b) in the case of action taken by Fire Services in respect of land within the City, where the fees or charges are not paid upon demand by the City, then in default of payment, such fees or charges may be charged against the land as taxes due and owing in respect of that land.

SECTION 9 - OFFENCES AND PENALTIES

- 9.1 The Manager, Fire Services may terminate, suspend or cancel an Open Air Fire Permit upon contravention of any provision of this Bylaw or the Alberta Fire Code or any terms and conditions found on the Permit.
- 9.2 A person who contravenes any provision of this Bylaw, shall be deemed to be guilty of an infraction of the Bylaw and upon a conviction, is liable to a fine of not less than \$250.00 and not more than \$2,500.00. No person found guilty of an offence under this Bylaw shall be liable to imprisonment.
- 9.3 Where a person:
- (a) fails to obtain a Permit as required under this Bylaw; or
 - (b) obtains a Permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the Permit; or
 - (c) originally did not require a Permit, but whose actions brought an Open Air Fire under the requirement for a Permit as defined herein; and
 - (d) a fire beyond the control of the person or other emergency results, then such person shall be liable to pay all costs of all emergency response service incurred by the Fire Services Department, and the City shall be able to recover from such person all such costs as a debt owing to the Municipality.

SECTION 10

- 10.1 Bylaw 966 and amendments thereto are hereby repealed.
- 10.2 This Bylaw shall come into force and effect on the date of the Third and Final Reading and signing thereof.

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READ A FIRST TIME IN COUNCIL THIS 12TH DAY OF FEBRUARY, 1996.

READ A SECOND TIME IN COUNCIL THIS 11TH DAY OF MARCH, 1996.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 11TH DAY OF MARCH, 1996.

"Original Signed"

MAYOR

"Original Signed"

CITY CLERK

March 14, 1996

Date Signed

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SCHEDULE "A"

Amended – Bylaw 506-2001 adopted September 10, 2001

Repealed – Bylaw 712-2008 adopted December 8, 2008