

VILLAGE OF ALIX

BYLAW NO. 475/23

A BYLAW IN THE VILLAGE OF ALIX IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE DEPARTMENT AND TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF LIFE AND PROPERTY WITHIN THE VILLAGE OF ALIX.

WHEREAS the Municipal Government Act provides that a Council of a municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property, services provided by or on behalf of the municipality and the enforcement of bylaws;

AND WHEREAS the Municipal Government Act further provides that a municipality may pass bylaws to regulate or prohibit, impose a system of licenses, permits or approvals and to collect costs and expenses incurred by the municipality for extinguishing fires;

AND WHEREAS the Council of the Village of Alix recognizes that fireworks are explosive devices and the sale, possession and use of fireworks by Persons not properly trained and authorized creates an unacceptable risk to life, health, safety and property;

AND WHEREAS the Council of the Village of Alix has deemed it necessary for the safety and well-being of the community to regulate Fireworks within the boundaries of the Village;

AND WHEREAS the Council of the Village of Alix wishes to establish a fire protection and emergency response service within the Village and provide for the efficient operation of such a service;

NOW THEREFORE the Council of the Village of Alix, in the Province of Alberta, duly assembled, enacts as follows:

1: SHORT TITLE

1.1 This Bylaw may be cited as the "Village of Alix Fire Bylaw".

2: DEFINITIONS

- 2.1 "Apparatus" shall mean any vehicle provided with machinery, devices, equipment or materials used for the purpose of providing Fire Protection and Emergency Response Services, as well as vehicles used to transport firefighters or supplies;
- 2.2 "CAO" shall mean the Chief Administrative Officer of the Village of Alix, or his/her designate;
- 2.3 "Consumer Fireworks" mean fireworks which are designed for the recreational use and are classified as low-hazard fireworks within the Explosive Act but does not include sparklers;
- 2.4 "Council" shall mean the Council of the Village of Alix;
- 2.5 "County Fire Chief" shall mean that person appointed by the County Manager to act as the Fire Chief for Lacombe County, or his/her designate;

- 2.6 “Display Fireworks” means fireworks that are designed for professional use and are classified as high-hazard within the Explosive Act;
- 2.7 “Director of Emergency Management” shall mean the person appointed by Council to act as the Director of Emergency Management, or his/her designate;
- 2.8 “Disaster” shall mean a natural or manmade event that results or may result in serious harm to the safety, health or welfare of persons, property or the environment;
- 2.9 “Equipment” shall mean any tools, devices, or materials used by the Fire Department for the purpose of providing Fire Protection and Emergency Response Services;
- 2.10 “Fire Ban” shall mean the prohibition on the lighting of fires in the Village;
- 2.11 “Fire Chief” or “District Chief” shall mean that person appointed by the Council to act as the Chief of the Village of Alix Fire Department, or his/her designate;
- 2.12 “Fire Department” shall mean the department established by this bylaw and includes any/all members;
- 2.13 “Fire Protection and Emergency Response” shall mean all aspects of Fire Department responses including, but not limited to, fire prevention, firefighting and suppression, pre-fire planning, fire inspection, fire investigation, public education and information, training, search and rescue, and responses to Disasters and accidents, including motor vehicle accidents;
- 2.14 “Firecracker” shall mean the same as it is defined in the most recent version of the National Fire Code – Alberta Edition;
- 2.15 “Fireworks Permit” shall mean a document issued by the County Fire Chief or designate, pursuant to this Bylaw, on the form adopted by the County from time to time authorizing the possession, handling, discharging, firing or setting off of Consumer Fireworks or Display Fireworks;
- 2.16 “Fireworks Sale and Storage Permit” shall mean a document issued by the County Chief or designate, pursuant to this Bylaw, on the form adopted by the County from time to time authorizing the sale or storage for the purpose of sale, of Consumer Fireworks or Display Fireworks;
- 2.17 “Illegal Fire” shall mean any fire that is set in contravention of this Bylaw;
- 2.18 “Incident” shall mean a fire or any situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or property.
- 2.19 “Inspection Officer” shall mean the County Fire Chief, Village Fire Chief, Peace Officer or any Member authorized to undertake inspections;
- 2.20 “Member” shall mean any person that is a duly appointed Member of a Fire Department and shall include the Fire Chief;

- 2.21 “Member in Charge” shall mean the Fire Chief, or in the absence of the Fire Chief, the highest ranking Member who first arrives at the site of an Incident;
- 2.22 “Outside Fire” shall mean any fire that is not contained within a building, structure, or a container and shall include fires involving humus soil, coal, waste, wood scrap, bush, brush, grass and leaves.
- 2.23 “Peace Officer” shall mean:
- a) a police officer
 - b) a person appointed as a Peace Officer pursuant to the Peace Officer Act, SA 2006, c P-3.5; or
 - c) a person appointed as a bylaw enforcement officer pursuant to the Municipal Government Act, RSA 2000, c M-26;
- 2.24 “Portable Appliance” shall mean any appliance used for cooking food in the outdoors;
- 2.25 “Prohibited Debris” shall mean any flammable debris or waste material that when burned may result in the release to the atmosphere of dense smoke, offensive odors or toxic air contaminants pursuant to the Substance Release Regulation, AR 124/93 of the Environmental Protection and Enhancement Act;
- 2.26 “Recreation Fire” shall mean a fire contained within a non-combustible container which is set for the purpose of cooking, obtaining warmth or viewing for pleasure and may only be fueled with wood, charcoal, coal, natural gas or propane;
- 2.27 “Specified Penalty” shall mean a penalty which may be paid in response to an alleged contravention of any provision of this Bylaw as established in Schedule “A” of this Bylaw;
- 2.28 “Structure Fire” shall mean a fire confined to or within any building, structure, machine or vehicle, which will, or is likely to cause the destruction of or damage to such building, structure, machine or vehicle;
- 2.29 “Village” shall mean the Village of Alix;
- 2.30 “Violation Ticket” shall mean a ticket issued for an alleged contravention of any provision of this Bylaw and shall be issued in accordance with the Provincial Offences Procedure Act.

3: FIRE AND MUTUAL AID AGREEMENTS

- 3.1 The CAO is hereby authorized to enter into agreements with other municipalities and agencies for the purchase, use, operation and management of fire Apparatus, Equipment and facilities and for the purpose of providing Fire Protection and Emergency Response Services in the Village and in those municipalities participating in such agreements.

4: AUTHORITY AND RESPONSIBILITY OF THE FIRE CHIEF

- 4.1 The Fire Chief shall be responsible to the CAO or designate for the performance of his/her duties pursuant to this Bylaw, other applicable policies of the Village and the Lacombe County Fire Services Committee as amended from time to time, including the Fire Chief job description.
- 4.2 The Members of the Fire Department shall be responsible to the Fire Chief for the performance of their duties pursuant to this Bylaw and other applicable policies of the Village and such other duties as may be assigned by the Fire Chief from time to time.
- 4.3 When responding to an Incident outside the corporate boundaries of the Village of Alix, the Fire Chief and Members shall follow Bylaws and policies in place for the jurisdiction where the Incident occurs.

5: AUTHORITY AND RESPONSIBILITY OF MEMBERS IN CHARGE

- 5.1 The Member in Charge 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 Member in Charge until relieved by another Member authorized to do so.
- 5.2 The Member in Charge shall be responsible to direct and manage the operations necessary for the extinguishment of a fire or controlling other emergency Incidents.
- 5.3 The Member in Charge shall take action as deemed necessary for preserving lives and property and protecting persons and property from injury or destruction from fire and other emergency Incidents.
- 5.4 The Member in Charge is empowered to cause a building, structure or other thing to be pulled down, demolished or removed if deemed necessary to prevent the spread of fire to other buildings, structures or other things.
- 5.5 The Member in Charge is authorized to enter premises or property without permission where an Incident is occurring and to cause any Member or Apparatus to enter without permission, as the Member in Charge deems necessary.
- 5.6 The Member in Charge is authorized to enter, pass through or over buildings, structures or property adjacent to the Incident and to cause Members or Apparatus to enter or pass through or over the building, structure or property without permission, where the Member in Charge deems it necessary to gain access to the Incident or protect any person or property.
- 5.7 The Member in Charge may establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limit unless authorized to enter by the Member in Charge. No person shall enter the boundaries or limits of an area unless authorized to enter by the Member in Charge.
- 5.8 The Member in Charge may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 5.7.

- 5.9 The Member in Charge is authorized to request any adult person who is not a Member, to assist in:
- a) extinguishing a fire or preventing the spread thereof;
 - b) removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
 - c) demolishing a building or structure at or near the fire or other Incident.
- 5.10 The Member in Charge is authorized to secure and commandeer privately owned equipment which is considered necessary to deal with an Incident and authorize payment for the use of said equipment.

6: COMPLIANCE AND ENFORCEMENT

- 6.1 No person, other than Members, employees, or agents of the Village shall, without prior approval from the Village, the County Fire Chief, or the Fire Chief, affix any tool, hose, or other device to any fire hydrant.
- 6.2 No person shall, without prior approval from the Village, paint or otherwise tamper with any fire hydrant or portion thereof.
- 6.3 No person, other than Members, employees or agents of the Village shall, without prior approval from the Village, the County Fire Chief, or the Fire Chief, set, permit or maintain an Outside Fire on private or public property.

7: DAMAGE OR DESTROYED PROPERTY

- 7.1 A person who has damaged or destroyed any Apparatus or Equipment shall, in addition to any penalty imposed in this Bylaw, be liable for, and pay upon demand, all costs incurred by the Village to repair or replace the Apparatus or Equipment in question.

8: PERMITTED FIRES

- 8.1 A Fire Permit is not required under this Bylaw for the following:
- a) a Recreation Fire that is contained in a barbeque or fire pit provided that:
 - i. a minimum of 3.3 metres (10 feet) clearance from buildings, property lines and combustible materials is maintained;
 - ii. the barbeque or fire pit is constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible material;
 - iii. they are supervised until such time as the fire has been completely extinguished. For the purpose of this clause a fire shall be deemed to include hot ashes and smoldering embers resulting from the fire; and
 - iv. only wood, charcoal briquettes, manufactured fire logs, fireplace pellets, propane or natural gas is used.

- b) a Portable Appliance;
 - c) fires that are set by the Fire Department for the purpose of firefighter training.
- 8.2 This Bylaw does not apply to any industrial or commercial incinerator regulated under the Environmental Protection and Enhancement Act.
- 8.3 A Fire Permit is not required for Recreation Fires on Village owned property or municipal or environmental reserves that have been designated for such purpose provided that the Recreation Fire is fueled by natural gas or propane or is contained in a fire pit approved by the Village.
- 8.4 No Recreational Fire is permitted in the front yard of a property where front yard is defined under the Village Land Use Bylaw.

9: FIREWORKS

- 9.1 No person shall sell, offer for sale or store for the purpose of sale, Consumer Fireworks or Display Fireworks in the Village without first obtaining a Fireworks Sale and Storage Permit.
- 9.2 No person shall possess, handle, discharge, fire or set off Consumer Fireworks or Display Fireworks in the Village without first obtaining a Fireworks Permit.
- 9.3 No person under the age of eighteen (18) years shall apply for, or be issued, a Fireworks Permit.
- 9.4 No person other than an individual who has a valid display supervisor or pyrotechnician card issued pursuant to the Explosives Act (Canada) shall possess, handle, discharge, fire or set off Display Fireworks in the Village.
- 9.5 An application must be made in writing, to the County Fire Chief or designate, a minimum of 14 calendar days prior to the proposed display for a Fireworks Permit, and;
- a) in the case of Display Fireworks, the application must address all information required by the Explosives Act (Canada) and the National Fire Code – Alberta Edition, including, but not limited to:
 - i. date, time and location of the proposed display;
 - ii. names, addresses and certification numbers of all display supervisors or pyrotechnicians and assistants participating in the display;
 - iii. the name of the sponsor or purchaser of the display;
 - iv. a full description of the planned display and a list of all materials to be fired, detonated, burnt or energized during the display;
 - v. the emergency plan for the display;
 - vi. verification of liability insurance, in an amount acceptable to the issuer of the permit; and
 - vii. any other information deemed necessary by the Village, County Fire Chief or the Fire Chief.
 - b) in the case of Consumer Fireworks:
 - i. name of the applicant;

- ii. date, time and location of the proposed display; and
 - iii. any other information deemed necessary by the Village, County Fire Chief or the Fire Chief.
- 9.6 No person shall purchase, possess, handle, discharge, fire or set off Consumer Fireworks or Display Fireworks in a manner that is contrary to the terms and conditions of a Fireworks Permit, or otherwise contravene any term or condition of a Fireworks Permit.
- 9.7 The person to whom a Fireworks Permit is issued shall:
- a) ensure that no fire or other damage occurs as a result of fireworks or fireworks debris;
 - b) in the event that a fire occurs, extinguish the fire immediately or contact the Fire Department without delay;
 - c) ensure that no fireworks debris or other waste is left behind after the fireworks are discharged;
 - d) ensure that:
 - i. all National Fire Code – Alberta Edition and Fireworks Permit requirements regarding the discharge of fireworks are complied with.
 - ii. where Display Fireworks are to be discharged, all requirements of the most recent version of the Display Fireworks Manual published by Natural Resources Canada, are complied with;
- 9.8 In the event that fireworks are discharged without a valid Fireworks Permit, the person who causes a firework to be ignited shall be accountable for those responsibilities listed in subsection 9.7 above.
- 9.9 Any person purchasing, possessing, handling, discharging, firing or setting off fireworks shall keep the Fireworks Permit available for immediate production to a Member or Peace Officer upon demand.
- 9.10 The County Fire Chief or designate may impose such conditions and restrictions on the Fireworks Permit as they deem appropriate. Such conditions and restrictions may include, but are not limited to:
- a) time of the day;
 - b) days of the week;
 - c) duration of display;
 - d) geographic location;
 - e) requirements for notification of affected residents;
 - f) on-site fire suppression materials and resources; and
 - g) safety precautions to mitigate danger or nuisance to any person or property.

- 9.11 The County Fire Chief or designate, may choose not to issue a Fireworks Permit if, in his/her opinion, such a display may create a risk to life, safety or property.
- 9.12 The County Fire Chief or designate, may revoke any previously issued Fireworks Permit for reasons of:
- a) non-compliance with:
 - i. the National Fire Code – Alberta Edition;
 - ii. the Explosives Act (Canada); or
 - iii. the Fireworks Permit.
 - b) changes in environmental conditions; or
 - c) safety to life, limb, or property.
- 9.13 A Fireworks Permit, when issued, shall be at no cost to the applicant.

10: FIRE BANS

- 10.1 The CAO or designate is hereby granted the authority to impose Fire Bans from time to time depending on weather conditions and any other conditions as he/she deems appropriate.
- 10.2 A Fire Ban may be imposed with or without conditions.
- 10.3 A Fire Ban declared by the Province of Alberta and the conditions imposed thereto take precedence over a Fire Ban issued by the Village.
- 10.4 Fire Bans shall remain in effect until terminated by the CAO or designate.
- 10.5 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 determined by the Village through a public service message on the local radio stations, or by any other means which the CAO or designate determines is appropriate.
- 10.6 For the duration of a Fire Ban, the Fire Department is authorized to extinguish any fire that the Fire Ban applies to, whether controlled or not, within the area subject to the Fire Ban.

11: CONTROL OF FIRE HAZARDS

- 11.1 Inspection Officers shall be given access at reasonable hours to both private and public land for the purpose of inspecting the property to determine whether a fire hazard exists.
- 11.2 No person shall light an Outdoor Fire, incinerator fire, Recreation Fire or Structural Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 11.3 If an Inspection Officer determines, in his/her sole discretion, that a fire hazard exists on private or public land, the CAO may order the owner or person in control of the land on which the fire hazard exists to reduce or remove the hazard within a specified period of time and in a manner prescribed by the CAO.

- 11.4 No person shall set, permit or maintain any fire at any time of the year such that the smoke emitted from the fire impairs visibility on a highway, or which in the sole discretion of an Inspection Officer, becomes a nuisance or safety concern on any highway or property. The person who set, permitted or maintained such a fire shall extinguish the fire immediately upon the order of an Inspection Officer.
- 11.5 If an order made pursuant to Sections 11.3 or 11.4 has not been carried out within the time specified, the Village may enter the land with any equipment or personnel it considers necessary and perform any work required to reduce or remove the fire or smoke hazard.
- 11.6 The owner or person in control of the land in which work was performed by the Village pursuant to Section 11.5, shall, on demand, reimburse the Village for the cost of the work performed, and in default of payment, the amount levied and unpaid shall be added to the tax roll of the subject parcel of land.

12: ILLEGAL FIRE

- 12.1 Any Peace Officer or Member may extinguish an Illegal Fire using whatever Apparatus, Equipment or procedure may, at his/her sole discretion, be deemed appropriate.
- 12.2 The owner or person in control of the land on which work was performed by the Village pursuant to Section 12.1, shall, on demand, reimburse the Village for the cost of the work performed, and in default of payment, the amount levied and unpaid shall be added to the tax roll of the subject parcel of land.

13: RECOVERY OF COSTS

- 13.1 Where a Fire Department has taken any action whatsoever for the purpose of providing Fire Protection and Emergency Response Services in or outside of the Village, the Village may charge any fees and costs so incurred to any or all of the following persons, namely:
- a) the person or persons causing or contributing to the fire; or
 - b) the owner or occupant of the parcel of land or any other thing in respect to which the action was taken
- and all persons charged are jointly and severally liable for payment of the fees and costs to the Village.
- 13.2 The fees and costs to be charged by the Village for Fire Protection and Emergency Response Services rendered pursuant to this Bylaw shall be established by Council from time to time.
- 13.3 Fees or costs levied or charged under this Bylaw may be recovered by the Village as an amount due and owing to the Village and in the event that the amount due and owing is not paid within 60 days of mailing of the invoice, collection of unpaid amounts may be undertaken by 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.

13.4 The owner of a parcel of land within the Village to which Fire Protection and Emergency Response Services are provided is liable for fees and costs so incurred and the Village may add to the tax roll of the parcel of land all unpaid amounts, which forms a special lien against the parcel of land in favour of the Village from the date the amount was added to the tax roll.

14: OFFENCES

14.1 No person, or property owner shall:

- a) contravene any provision of this Bylaw;
- b) provide false, incomplete or misleading information to any person authorized to carry out duties authorized by this Bylaw;
- c) interfere with the efforts of any person authorized to carry out duties authorized by this Bylaw;
- d) damage or destroy any Fire Department Apparatus or Equipment;
- e) at an Incident, drive a vehicle over any Fire Department Equipment without permission of the Member in Charge;
- f) falsely represent themselves as a Member or wear or display any Fire Department clothing, badge, insignia or other paraphernalia for the purpose of such false representation;
- g) burn Prohibited Debris;
- h) set, permit or maintain any fire such that the smoke emitted from the fire impairs visibility on a highway, or which in the sole discretion of an Inspection Officer, becomes a nuisance or safety concern on any highway or to neighboring persons or property;
- i) let a fire to burn out of control so as to threaten or cause damage to adjacent property;
- j) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- k) fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto neighboring property;
- l) affix any tool or other device to a fire hydrant or paint or otherwise tamper with a fire hydrant without prior approval from the Village;
- m) fail to extinguish a fire once a Fire Ban has been imposed;
- n) allow any fire to be lit upon land that is owned or occupied by him/her or under his/her control except when such fire is permitted by this Bylaw;

- o) sell, offer for sale or store for the purpose of sale, Consumer Fireworks or Display Fireworks in the Village without first obtaining a Fireworks Sale and Storage Permit;
- p) possess, handle, discharge, fire or set off Consumer Fireworks or Display Fireworks in the Village without first obtaining a Fireworks Permit.

15: VIOLATION TAGS

15.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

15.2 A Violation Tag may be issued to such person:

- a) personally;
- b) by regular mail sent to the postal address of the person as shown on their Operator's License issued in accordance with the Traffic Safety Act, their tax assessment roll, or on the certificate of title for the property; or
- c) by leaving it with a person apparently over 18 years of age at the place of residency of the person to whom the Violation Tag is addressed.

15.3 The Violation Tag shall be in a form approved by the CAO and shall state:

- a) the name of the person to whom the Violation Tag is issued;
- b) a description of the offence and the applicable Bylaw section;
- c) the Specified Penalty for the offence;
- d) that the penalty shall be paid within 30 days of the issuance of the Violation Tag in order to avoid prosecution; and
- e) any other information as may be required by the CAO.

15.4 Where a Violation Tag has been issued pursuant to this Bylaw the person to whom it has been issued to may, in lieu of being prosecuted for the offence, pay the Village the penalty specified within the time period indicated on the Violation Tag.

16: VIOLATION TICKETS

16.1 In the event a Violation Tag has been issued and the Specified Penalty has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket, pursuant to Part 2 of the Provincial Offences Procedure Act, to the person to whom the Violation Tag was issued.

- 16.2 Notwithstanding Section 16.1, a Peace Officer may immediately issue a Violation Ticket to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 16.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- a) specify the fine amount established by this Bylaw for the offence, or
 - b) require a person to appear in court without the alternative of making a voluntary payment.
- 16.4 A Violation Ticket issued with respect to a contravention of any provision of this Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
- 16.5 The person to whom a Violation Ticket with a Specified Penalty has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together in amount equal to the Specified Penalty.
- 16.6 When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 16.5 and the Provincial Offences Procedure Act, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the Specified Penalty.

17: SEVERABILITY

- 17.1 Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section or part found to be improperly enacted had not been enacted as part of this Bylaw.

18: GENERAL

- 18.1 This Bylaw shall come into full force and effect on the date it is finally passed by Council.

Read a first time on the 4th day of January, 2023.

Read a second time on the 1st day of February, 2023.

Read a third and final time on the 1st day of February, 2023.

Mayor

C.A.O