

**BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF THE ESTABLISHMENT AND OPERATION OF EMERGENCY AND FIRE PROTECTION SERVICES.**

**WHEREAS** the *Municipal Government Act, R.S.A. 2000 c. M-26*, as amended (hereinafter referred to as "the MGA"), 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;

**WHEREAS** the *Municipal Government Act, R.S.A. 2000, c. M-26*, as amended, 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:

**WHEREAS** the *Municipal Government Act, R.S.A. 2000 c. M-26*, as amended, provides that a municipality may provide Fire services for that municipality or on behalf of one or more municipal authorities;

**WHEREAS** the Council of the Town of Diamond Valley wishes to establish and provide for the efficient operation of Emergency and Fire Protection Services;

**NOW THEREFORE** the Council of the Town of Diamond Valley, in the Province of Alberta, duly assembled, enacts as follows:

**1.0 TITLE AND PURPOSE**

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

**2.0 DEFINITIONS**

2.1 In this Bylaw:

- (a) **"Acceptable Fire Pit or Fireplace"** means an outdoor wood-burning receptacle which is only used for Recreational Fires and which has:
  - (i) A minimum of three (3) meters' separation, measured from the nearest edge, from buildings, property lines or any combustible material;
  - (ii) enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;
  - (iii) a screen covering the opening in a manner sufficient to contain and reduce the hazards of airborne sparks;
  - (iv) in the case of a Fire pit,
    - (A) a height not exceeding 0.6 meter when measured from the lowest point of the surrounding grade to the top of the pit opening;
    - (B) an opening with a width, length or diameter not exceeding one (1) meter;and
  - (v) In the case of a Fireplace;
    - (A) a chimney not less than two and a half (2.5) meters in height when measured from the lowest point of the base of the Fire-burning area;
    - (B) a base of the Fire-burning area not less than 0.3 meters above the lowest point of the surrounding grade;



- (C) a Fire chamber not exceeding one and a quarter (1.25) meters in width measured at the widest point; and
- (D) a Fire chamber not less than 0.4 meters and not more than 0.6 meters in depth measured at the deepest point.
- (b) **"Apparatus"** means any vehicle provided with devices, machinery, equipment or materials for rescue or Firefighting, as well as vehicles used to transport Firefighters or supplies.
- (c) **"Chattel Fire"** means a Fire in which an article or articles of personal property are burned out-of-doors.
- (d) **"Chief Administrative Officer"** or **"CAO"** means the Person appointed to that position and title by Council.
- (e) **"Council"** means the Council of the Town of Diamond Valley.
- (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 *Dangerous Goods Transportation and Handling Act, R.S.A. 2000, Chapter D-4*, as amended.
- (g) **"Deputy Fire Chief"** means the Deputy Fire Chief of the Town of Diamond Valley as appointed to act as Fire Chief in the absence of the Fire Chief.
- (h) **"False Alarm"** means any notification to any emergency service, including but not limited to the Fire Department, respecting the existence of a condition, circumstance or event containing an imminent danger to Persons or property, where no such condition, circumstance or event exists.
- (i) **"Fire"** means the burning of any flammable or combustible material or any combustible material in a state of combustion.
- (j) **"Fire Advisory"** means an advisory that the Fire danger rating has increased.
- (k) **"Fire Ban"** means an order prohibiting Fires, issued by the Province of Alberta or by the Fire Chief in accordance with this bylaw.
- (l) **"Fire Chief,"** is the Department Head of the Fire Department for the Town of Diamond Valley.
- (m) **"Firefighter"** means a Member, including a volunteer, of the Fire Department of the Town, whose functions; duties or powers are to carry out Emergency and Fire Services, notwithstanding that the Member may carry out other functions, duties or powers of the Fire Department.
- (n) **"Fire Department"** means the entity as established and organized for the Town 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 Department, including fire stations.
- (o) **"Fire Permit Application"** shall mean a document in the form approved by the Fire Department.
- (p) **"Fire Permit"** means a permit allowing the setting of Fires within the Town issued by the Fire Chief or designate for this bylaw.
- (q) **"Fire Protection Services Agreement"** means a written agreement between the Town and;
  - (i) Any one or more neighbouring municipalities or agencies whose boundaries are adjacent or in proximity to the Town, or
  - (ii) the Province of Alberta, which describes the provision of Fire Services by one party to another or the reciprocal provision of Fire Services.

- (r) **"Fire Restriction"** means an order restricting Fires and suspending the issuance of new Fire Permits.
- (s) **"Fireworks"** means any device, other than a novelty or theatrical pyrotechnic article, intended to produce visible and/or audible effects, by combustion, deflagration, or detonation. (NFPA 1132)
- (t) **"Fireworks Display"** means a presentation of Fireworks for a public or private gathering.
- (u) **"High Hazard Fireworks"** or **"Display Fireworks"** are Fireworks devices in a finished state, exclusive of mere ornamentation, primarily intended for commercial displays which are designed to produce visible and/or audible effects, by combustion, deflagration or detonation, including, but not limited to salutes containing more than 130mg (2 grains) of explosive composition; aerial shells containing more than 40g of chemical composition of lift charge; and other exhibition display items that exceed limits contained in the NFPA Standard for consumer Fireworks. (NFPA 1132)
- (v) **"Incident"** means a Fire or a situation where an explosion is imminent or any other situation where there is a danger or a possible danger to life or property and to which Fire Department has responded.
- (w) **"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 including ash, which Fire is set for the purpose of burning household refuse, excepting plastic products.
- (x) **"Member"** means any Person who is a duly appointed Member of the Diamond Valley Fire Department.
- (y) **"NFPA"** means The National Fire Protection Association, a global non-profit organization established in 1896, devoted to eliminating death, injury, property and economic loss due to Fire, electrical and related hazards.
- (z) **"Open Fire"** shall mean any Fire which is not an Incinerator Fire, Pit Fire, and Smudge 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, Fireworks, ground thawing Fires and Chattel Fires.
- (aa) **"Operator"** means a Fireworks Display Technician, duly approved by the *Explosives Act R.S.C. 1985 c. E-17*, as amended from time to time.
- (bb) **"Owner"** means a Person who controls the property under consideration, holds themselves out as the Person having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership, and includes:
  - (i) the Person registered on title at the Land Titles Offices;
  - (ii) a Person who is recorded as the Owner of the property on the assessment roll of the Town;
  - (iii) a Person who has purchased or otherwise acquired the property and has not become the registered Owner thereof; or
  - (iv) a Person who is the occupant of the property under a lease, license, permit or other agreement.
- (cc) **"Peace Officer"** means a Member of the Royal Canadian Mounted Police or a Peace Officer duly appointed and employed by the Town of Diamond Valley.
- (dd) **"Person"** means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- (ee) **"Pit Fire"** means a Fire which is totally confined within a non-combustible structure or container that has the smoke vents or top opening covered with a heavy gauge metal

screen having a mesh size no larger than 13 millimetres which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which Fire is set for the purpose of cooking or obtaining warmth, and such a Fire may only be fuelled with dry wood, charcoal, coal, natural gas or propane.

- (ff) **"Portable Appliance"** means any appliance sold or constructed for the purpose of cooking food in the out-of-doors in which Fire may be safely contained.
- (gg) **"Prohibited Debris"** means manure, livestock or other animal carcasses, material that will result in the production of dense black smoke including insulation from electrical wiring or equipment, leaves and grasses, asphalt roofing materials, hydrocarbons, plastics, household plastics, rubber materials or creosote wood, herbicides, pesticides or any other toxic material or substance.
- (hh) **"Running Fire"** means a Fire burning without being under the proper or any control of any Person.
- (ii) **"Smudge Fire"** means a Fire confined within a non-combustible structure or container that is set for the purposes of thawing ground.
- (jj) **"Town"** means the Town of Diamond Valley.
- (kk) **"Violation Tag"** means a tag or similar document issued by the Town pursuant to the *Municipal Government Act, R.S.A. 2000, c. M-26*, as amended.
- (ll) **"Violation Ticket"** means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*, as amended, and Regulations thereunder.

### 3.0 **FIRE DEPARTMENT**

3.1 Council does hereby establish the Fire Department, for the purpose of:

- (a) preventing and extinguishing Fires;
- (b) investigating the cause of Fires;
- (c) preserving life and property and protecting Persons and property from injury or destruction by Fire;
- (d) providing rescue, including but not limited to medical co-response, medical first response, and lift assists;
- (e) preventing, combating and controlling Incidents;
- (f) carrying out preventable patrols;
- (g) recommending to Council the entering into of agreements with other municipalities or Persons for the joint use, control and management of Fire extinguishing Apparatus and equipment;
- (h) purchasing and operating Apparatus and equipment for extinguishing Fires or preserving life and property; and
- (i) fulfilling obligations under approved Fire Protection Services Agreements.

3.2 The Fire Department shall provide Fire services in accordance with the level of service and any applicable standard operating guideline or procedure as established in any applicable legislation, regulation or policy issued by the Province of Alberta or the Government of Canada, or any Bylaw adopted by Council.

3.3 The Fire Department is hereby authorized to control and contain Incidents involving Dangerous Goods.

3.4 In the event of any inconsistency between the level of service and any applicable legislation, regulation or policy issued by the Province of Alberta, the provincial legislation regulation or policy shall prevail.

- 3.5 Each Fire Department Member shall have the authority and power to:
- (a) perform work relating to the extinguishing or controlling of a Fire or the operations to preserve life and property and enter onto any property for the purpose of extinguishing or controlling a Fire; and
  - (b) prevent interference with the efforts of Persons engaged in the extinguishing of a Fire or preventing the spread thereof by regulating the conduct of the public at, or in the vicinity of a Fire.

#### 4.0 OFFICERS AND OTHER AUTHORITIES

##### 4.1 Fire Chief Appointment and Responsibilities

- (a) The Fire Chief shall be appointed by Council.
- (b) The Fire Chief shall be responsible to the Town CAO.
- (c) The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction of the Chief Administrative Officer (CAO), and shall, prescribe rules, regulations and policies for the ongoing organization and administration of the Fire Department, including but not limited to:
  - (i) the use, care and protection of Fire Department property;
  - (ii) the appointment, recruitment, conduct, discipline, duties and responsibilities of the Members;
  - (iii) the efficient operation of the Fire Department; and
  - (iv) the establishment of Standard Operating Procedures, regulations, rules, policies, or guidelines.
- (d) The Fire Chief shall:
  - (i) upon approval of the Council, purchase or otherwise acquire equipment, Apparatus, materials or supplies required for the operation, maintenance and administration of Fire Department to be used in connection therewith;
  - (ii) keep or cause to be kept, in proper form, records of all business transactions of Fire Department, including records of Fires attended, actions taken in extinguishing Fires, inspections carried out and actions taken on account of inspections and any other records incidental to the operation of the Fire Department;
  - (iii) upon approval of the Council, negotiate on behalf of the Council, with the Provincial Government of Alberta, other municipalities and Persons for the purpose of establishing mutual aid agreements and Fire protection service agreements with recommendations and concerns regarding the establishing or renewing of any mutual aid agreement or Fire protection service agreement or amendments thereto; and
  - (iv) perform such functions and have such powers and responsibilities as Council may from time to time prescribe.
- (e) The Fire Chief must also be a Safety Codes Officer pursuant to the *Safety Codes Act*.
- (f) The Fire Chief, or any other Member in charge at a Fire who is also a Safety Codes Officer pursuant to the *Safety Codes Act R.S.A. 2000 c. S-1*, is empowered to cause a building, structure or object to be pulled down, demolished or otherwise removed if they deem necessary to prevent the spread of Fire to other buildings, structures or objects.
- (g) The Fire Chief, or any other Member in charge at an Incident who is also a Safety Codes Officer pursuant to the *Safety Codes Act*, is empowered to cause the Fire Department 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.



- (h) The Fire Chief or any other Member in charge at an Incident may establish boundaries or limits and keep Persons from entering the area unless authorized by the Fire Chief or any other Member in charge to do so.
  - (i) The Fire Chief or any other Member in charge at an Incident may authorize a Peace Officer to enforce such boundaries as outlined in 4.1(h).
- 4.2 Deputy Fire Chief Appointment and Responsibilities
  - (a) A Deputy Fire Chief shall be appointed by the Fire Chief.
  - (b) The Deputy Fire Chief is hereby authorized, in the event that the Fire Chief is absent or unavailable, to take action which the Fire Chief is authorized to take in accordance with this bylaw.
- 4.3 Fire Department Member Appointment
  - (a) All Firefighters except the Fire Chief shall be appointed to their positions within the Fire Department by the Fire Chief.
  - (b) All Firefighters shall have the authority, duties and responsibilities as established under this bylaw, any applicable federal, provincial or municipal legislation, administrative directive, Standard Operating Procedures, regulations, rules, policies, or guidelines.
- 4.4 Powers of Incident Commander
  - (a) An appointed Incident Commander has control, direction and management of any equipment and Firefighter assigned to the Incident. The Incident Commander shall continue to serve until relieved by another Officer.
  - (b) The Fire Chief may delegate to an Incident Commander the authority to take any actions at an Incident that the Fire Chief could take pursuant to this bylaw.

## **5.0 CONTROL OF FIRE HAZARDS**

- 5.1 The Town may order the Owner or the Person in control of any land on which, in its opinion, a Fire hazard exists to reduce or remove the hazard within a fixed period of time and in a manner prescribed by the Town as outlined in the *Municipal Government Act*.
- 5.2 The Town may enter onto the land with any equipment and any Person it deems necessary to eliminate or reduce the Fire hazard if an order issued in section 5.1 has not been complied with.
- 5.3 The Owner or the Person in control of the land on which work was performed pursuant to section 5.2 shall, on demand, reimburse the Town for the cost of the work performed and in default of payment, the Town may add the cost to the tax roll of the property.

## **6.0 REQUIREMENT TO REPORT**

- 6.1 The Owner, or the authorized agent, of any property damaged by Fire shall immediately report to the Fire Department.
- 6.2 The Owner, or the 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 Fire Department.
- 6.3 All reports outlined in sections 6.1 and 6.2 shall be in a manner satisfactory to the Fire Chief.

## **7.0 PERMITTED FIRES**

- 7.1 No Person shall permit an Open Fire or Incinerator Fire upon land owned or occupied by them or under their control within the Town except when they are the holder of a valid Fire Permit issued pursuant to this Bylaw, unless:

- (a) the Fire has been set by the Fire Department for the purpose of training, or
- (b) the Fire is a Public Park Site Fire, or
- (c) the Fire is a Smudge Fire or a Fire authorized by the Fire Department, or
- (d) the Fire is a Pit Fire.

## **8.0 FIRE PERMITS**

- 8.1 Any Person wishing to obtain a Fire Permit must complete a Fire Permit Application and agree to the Conditions of the Fire Permit.
- (a) Any Person wishing to obtain a Fire Permit must make an application to the Fire Department.
  - (b) The Fire Chief, or designate, shall receive and consider the application and after having done so, they may, in their absolute discretion, issue a Fire Permit to the applicant.
- 8.2 Each Fire Permit Application and Fire Permit must contain the following information:
- (a) the name, address and telephone number of the applicant;
  - (b) the reason a Fire Permit is required;
  - (c) the legal description of the land on which the applicant proposes to set a Fire;
  - (d) the location of the Fire;
  - (e) the type and description of the material which the applicant proposes to burn;
  - (f) the period of time for which the Fire Permit is valid;
  - (g) the precautions, if any, that will be taken by the applicant to ensure that the proposed Fire remains under their control;
  - (h) proof of liability insurance;
  - (i) the written consent to the proposed Fire by the Owner of the land (if different than the applicant);
  - (j) the signature of the applicant;
  - (k) the Fire Permit Application fee;
  - (l) the signature of the Fire Chief, or designate, issuing the Fire Permit.
- 8.3 No Person shall provide false or misleading information in an application for a Fire Permit.
- 8.4 A Fire Permit shall not be transferable.
- 8.5 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Department and the Fire Permit shall have endorsed therein the period of time for which the said Permit is valid.
- 8.6 The Fire Chief, or designate, may in their sole and absolute discretion, waive Fire Permit fees, terminate a Fire Permit Application and suspend or cancel a Fire Permit at any time.

## **9.0 HIGH HAZARD FIREWORKS**

- 9.1 An Operator may conduct a show after receiving permission to do so in writing from the Fire Chief, or their designate. Such permission shall be in the form of a High Hazard Fireworks Discharge Permit.
- 9.2 An Operator must apply in writing, a minimum of 28 calendar days prior to an event.
- 9.3 The Fire Chief, or their designate, may choose to issue, to an Operator, written permission for a show or display to take place.
- 9.4 The Fire Chief, or their designate, may choose not to issue or to revoke 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.

- 9.5 All Fireworks shall be handled, stored and discharged in compliance with the *National Fire Code 2023 – Alberta Edition*, or as amended from time to time.

#### **10.0 RECOVERY OF COSTS**

- 10.1 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a Fire or responding to a Fire call or Incident within or outside the Town or for the purpose of preserving life or property from injury or destruction by Fire or other Incident on land within or outside the Town, including any such action taken by the Fire Department on a False Alarm, the Fire Chief, or designate, may, charge any costs incurred in taking such action to the Person who caused the Fire or False Alarm or the Owner or occupant of the land in respect of which the action was taken.
- 10.2 Fees which may be charged by the Fire Department for services rendered pursuant to this Bylaw shall be as set out in Schedule "B".
- 10.3 In respect of the fees and charges described in Schedule "B":
- (a) the Town may recover such fee or charge as a debt due and owing to the Town; or,
  - (b) in the case of action taken by the Fire Department in respect of land within the Town, where the fee or charge is not paid upon demand by the Town, then in default of payment, such fee or charge may be charged against the land as taxes due and owing in respect of that land.

#### **11.0 PERMITTED FIRES**

- 11.1 Permitted Fires without a Fire Permit are allowed provided they are set and maintained in accordance with this bylaw:
- (a) Fires where the Fire and any associated sparks are wholly contained within a building or other structure which are related to the ordinary and expected use of that structure, excluding commercial Fires;
  - (b) Fires set by the Fire Department for purposes including training Firefighters;
  - (c) The Fire is a Smudge Fire or a Fire authorized by the Fire Chief.
  - (d) Fires being used for the cooking of food using a Portable Appliance; and Fire Pits provided:
    - (i) Materials are only burned in such amounts as will be contained within the burning area of such pit, Fireplace, or container and below the regulation screen of a pit or Fireplace;
    - (ii) a means acceptable to the Fire Chief, of controlling or extinguishing the Fire is available at the site of the Fire or within a reasonable distance thereof; and
    - (iii) a responsible, sober adult is present at the site of the Fire when the Fire is burning.

#### **12.0 FIRE ADVISORIES, RESTRICTIONS AND BANS**

- 12.1 The Fire Chief may, from time to time, issue a Fire Advisory, Fire Restriction or Fire Ban when, in the opinion of the Fire Chief, there is an increasing risk of injuries or property damage due to any conditions, including, without limitation, environmental conditions.
- 12.2 A Fire Advisory, Fire Restriction or Fire Ban shall remain in force until such time as it is lifted by the Fire Chief.
- 12.3 When a Fire Advisory, Fire Restriction or Fire Ban is in force, no Person shall set or cause any Fire that contravenes any restrictions or conditions of such orders.



- 12.4 When a Fire Advisory has been issued, safe Fires are permitted in an Acceptable Fire Pit or Fireplace, but this is a warning that they may be restricted if the situation doesn't improve.
- 12.5 When a Fire Restriction is in force, only safe Fires are allowed in Acceptable Fire Pits or Fireplaces. No other Fires or charcoal briquettes are allowed. Gas or propane stoves/barbeques and portable propane Fire pits are allowed. Fire Permits may be suspended or cancelled and no new Fire Permits will be issued.
- 12.6 When a Fire Ban is in force, no Person shall set any Fire or cause or allow a Fire to be set on their property or property under their control, or if the property is located in a public park site within the Town. Gas or propane stoves/barbeques and portable propane Fire pits are allowed. All Fire Permits are suspended unless otherwise directed by the Fire Chief.
- 12.7 The Fire Chief, upon issuing or lifting a Fire Advisory, Fire Restriction or Fire Ban will give public notice through the Town of Diamond Valley's website or such other websites as they may deem appropriate, and through any media announcements or other methods as they deem appropriate.
- 12.8 Notwithstanding section 12.7, all Persons are responsible for determining, whether a Fire Restriction or Fire Ban is in effect, and failure to receive notice of a Fire Restriction or Fire Ban shall not constitute a valid defence for a breach of such an order.

### 13.0 OFFENCES

- 13.1 Any Person who ignites, fuels, supervises, maintains or permits an Open Fire or Incinerator Fire within the municipal boundaries of the Town of Diamond Valley without a valid Fire Permit as required by this Bylaw is guilty of an offence, unless;
- (a) the Fire is a Smudge Fire confined within a non-combustible structure or container that is set for the purposes of thawing ground;
  - (b) the Fire has been set by the Fire Department for the purpose of training;
  - (c) the Fire is a Public Park Site Fire; or
  - (d) the Fire has otherwise been authorized by the Fire Department.
- 13.2 When an offence is committed under section 13.1 the Owner or occupier of the land or the Person having control of the land upon which such Fire is lit, shall:
- (a) extinguish the Fire immediately; or
  - (b) where he is unable to extinguish the Fire immediately, report the Fire to the Fire Department.
- 13.3 No Person shall:
- (a) light an Open Fire, Incinerator Fire, or Smudge Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times;
  - (b) light an Open Fire, Incinerator Fire, or Smudge Fire when the weather conditions are conducive to creating a Running Fire;
  - (c) place an Open Fire, Incinerator Fire, or Smudge Fire less than 3.0 metres from any structure including but not limited to a fence, deck, garage, shed, or house,
  - (d) burn Prohibited Debris or any materials deemed for disposal in an Open Fire, Incinerator Fire, or Smudge Fire;
  - (e) fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than their own;
  - (f) deposit, discard or leave any burning matter of substance where it might ignite other material and cause a Fire;
  - (g) conduct any activity that involves the use of Fire that might reasonably be expected to cause a Fire, unless he exercises reasonable care to prevent the Fire from occurring;

- (h) provide false, incomplete or misleading information to the Municipality or to the Fire Department on or with respect to the Fire Permit Application;
  - (i) interfere with the efforts of Persons authorized in this Bylaw to extinguish Fires or preserve life or property;
  - (j) interfere with the operation of any Fire Department equipment or Apparatus required to extinguish Fires or preserve life or property;
  - (k) damage or destroy Fire Department property;
  - (l) falsely represent themselves as a Fire Department Member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation;
  - (m) have in their possession, sell, offer for sale, give away or otherwise distribute, discharge, Fire or set off Fireworks unless that Person is the holder of a subsisting Fireworks Permit or the Fireworks have been set by a Member for the purpose of training Members.
- 13.4 No Person shall contravene:
- (a) conditions or restrictions of a Fire Restriction Order; or
  - (b) conditions or restrictions of a Fire Ban Order.
- 13.5 Nothing in this Bylaw shall be deemed to authorize any Fire, burning or other act which contravenes the *Environmental Protection and Enhancement Act*, RSA 2000, c. E-12 and amendments thereto, or any regulation made thereunder, and in the event of any conflict between the provisions of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

#### **14.0 PROHIBITIONS**

- 14.1 No Person shall enter the boundaries of an off-limits area prescribed in accordance with section 4.1(h) without the authorization of the Fire Chief.
- 14.2 No Person at an Incident shall drive a vehicle over any equipment without permission of the Fire Chief.
- 14.3 The Owner of the property upon which a Fire is lit, Prohibited Debris is burned, a False Alarm is issued or where Fireworks are discharged, other than as permitted under this Bylaw, is guilty of an offence under this Bylaw.


#### **15.0 ENFORCEMENT**

- 15.1 Where a Peace Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against such Person by:
- (a) issuing the Person, a Violation Ticket pursuant to the provisions of the Provincial Offences Procedure Act;
  - (b) swearing out an Information and Complaint against the Person; or
  - (c) in lieu of prosecution, issuing the Person a Bylaw Violation Tag in a form as approved by the Chief Administrative Officer.
- 15.2 Where a Peace Officer issues a Person a Violation Ticket in accordance with Section 15.1(a) of this Bylaw, the Officer may either:
- (a) allow the Person to pay the specified penalty as provided for in Appendix "A", which is hereunto attached and forms part of this Bylaw, by indicating such specified penalty on the Violation Ticket; or

READ A FIRST TIME on the 6<sup>th</sup> day of March, 2024

READ A SECOND TIME on the 6<sup>th</sup> day of March, 2024

READ A THIRD AND FINAL TIME on the 6<sup>th</sup> day of March, 2024

  
Mayor  
Chief Administrative Officer

Elected Official Initial 

CAO Initial 

- (b) require a Court appearance of the Person where the Peace Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
- 15.3 Where a Bylaw Violation Tag is issued to a Person and is not paid within 14 days of the date of issue, the Peace Officer may proceed by way of prosecution in accordance with Sections 15.1(a) or 15.1(b) of this Bylaw.
- 15.4 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude a Peace Officer or the Town from pursuing any other action or remedy in relation to a Person, Premises, or nuisance provided by the *Municipal Government Act*, any other law of the Province of Alberta, or any other Bylaw of the Town.
- 15.5 A Person shall not prevent or obstruct a Peace Officer from carrying out any official duty authorized by the provisions of this Bylaw or by the provision of the *Municipal Government Act*.

#### **16.0 GENERAL PENALTY PROVISION**

- 16.1 Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

#### **17.0 MINIMUM AND SPECIFIED PENALTIES**

- 17.1 The specified and minimum penalties, and penalties in lieu of prosecution payable for a violation of any of the provisions of this Bylaw are as is set out in Appendix "A", which is hereunto attached to and forms part of this Bylaw, and which may be amended from time to time.

#### **18.0 SEVERABILITY**

- 18.1 Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then 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 found to be improperly enacted had not been enacted as part of this Bylaw.

#### **19.0 REPEAL**

- 19.1 This Bylaw shall repeal Town of Black Diamond Bylaw 00-22, Fire Bylaw, in its entirety, and all amendments thereto.
- 19.2 This Bylaw shall repeal Town of Black Diamond Bylaw 12-04, Fire Inspection Fees Bylaw, in its entirety, and all amendments thereto.
- 19.3 This Bylaw shall repeal Town of Turner Valley Bylaw 14-1037, Fire Protection Services Bylaw, in its entirety and all amendments thereto.

## SCHEDULE "A"

### Penalties

Section		Specified Penalty	Minimum Penalty
Section Offence			
6.1	Failure to report a Fire	\$500.00	\$300.00
6.2	Failure to report Dangerous Goods Release	\$1,000.00	\$500.00
7.1	Permit an Open Fire or Incinerator Fire without a valid Fire Permit	\$500.00	\$300.00
13.1	Failure to obtain a Fire Permit	\$500.00	\$300.00
13.2	Failure to extinguish or report unpermitted Fire	\$750.00	\$450.00
13.3(a)	Fail to control an Open Fire, Incinerator Fire or Smudge Fire	\$1,000.00	\$500.00
13.3(b)	Light an Open Fire, Incinerator Fire or Smudge Fire when weather conditions are conducive to creating a Running Fire	\$1,000.00	\$500.00
13.3(c)	Place an Open Fire, Incinerator Fire or Smudge Fire less than 3m from structure	\$1,000.00	\$500.00
13.3(d)	Burn Prohibited Debris	\$1,000.00	\$500.00
13.3(e)	Fail to control Running Fire, or fail to prevent Running Fire from spreading to others' lands.	\$1,500.00	\$750.00
13.3(f)	Deposit burning matter where it might cause a Fire	\$500.00	\$300.00
13.3(g)	Fail to use care in the use of Fire	\$500.00	\$300.00
13.3(h)	Provide false or misleading information in a Fire Permit Application	\$500.00	\$300.00
13.3(i)	Interfere with efforts to extinguish Fires or to preserve life or property	\$1,000.00	\$500.00
13.3(j)	Interfere with operation of Fire Department equipment or Apparatus	\$1,000.00	\$500.00
13.3(k)	Damage or destroy Fire Department property	\$1,000.00	\$500.00
13.3(l)	Falsely represent as a Fire Department Member	\$1,000.00	\$500.00
13.3(m)	Possess, sell, give away, distribute or discharge Fireworks without Fireworks Permit	\$500.00	\$300.00
13.4(a)	Contravene conditions or restrictions of a Fire Restriction Order	\$500.00	\$300.00
13.4(b)	Contravene conditions or restrictions of a Fire Ban Order	\$500.00	\$300.00
14.1	Enter an off-limits area without authorization	\$500.00	\$300.00
14.2	Drive over equipment at an Incident unauthorized	\$500.00	\$300.00



## SCHEDULE "B"

### Fees and Charges

Cost Recovery	Fees and Charges
Response to a Fire, Rescue, or other <b>Incident</b> on any property other than in the Town of Diamond Valley or provincial highways:	<ul style="list-style-type: none"> <li>Rates, determined by agreement with Foothills County or any other mutual aid agreement, per unit or any portion thereof.</li> <li>Administrative costs, manpower and the cost for replacement of equipment and/or materials used, lost, or damaged as a result of the response.</li> </ul>
Fire, Dangerous Goods and Rescue Responses on provincial highways:	<ul style="list-style-type: none"> <li>Rates, determined annually by Alberta Transportation, per unit or any portion thereof.</li> <li>Cost for replacement of equipment and/or materials used, lost, or damaged as a result of the response.</li> </ul>
Response to a Dangerous Goods on any property other than provincial highways:	<ul style="list-style-type: none"> <li>Rates, equivalent to those set by Alberta Transportation, per unit or any portion thereof.</li> <li>Cost for replacement of equipment and/or materials used, lost, or damaged as a result of the response.</li> </ul>
Responses to other Municipalities excluding those with mutual aid agreements:	<ul style="list-style-type: none"> <li>\$500.00 per hour, per unit or any portion thereof.</li> <li>Cost for manpower and replacement of equipment and/or materials used, lost, or damaged as a result of the response.</li> </ul>
Standby, Scene Security or Fire Watch	<ul style="list-style-type: none"> <li>\$50.00/hr per Firefighter or Community Peace Officer</li> </ul>
Fire Department site inspections for regulated occupancies.	<ul style="list-style-type: none"> <li>Included in Business Licence i.e.: daycares, licensed liquor establishments.</li> <li>Subsequent Follow-ups: <ul style="list-style-type: none"> <li>➤ 2<sup>nd</sup> - \$100.00,</li> <li>➤ 3<sup>rd</sup> - \$200.00,</li> <li>➤ 4<sup>th</sup> - \$400.00,</li> <li>➤ 5<sup>th</sup> - \$800.00.</li> </ul> </li> </ul>
Fire Inspections for properties not requiring a Business Licence	<ul style="list-style-type: none"> <li>\$100.00 for non-licence holders.</li> </ul>
Fire inspections, upon request, outside of legislated requirements.	<ul style="list-style-type: none"> <li>One hour or portion thereof: <ul style="list-style-type: none"> <li>➤ \$ 60.00/first hour</li> <li>➤ \$ 50.00/additional hour</li> </ul> </li> </ul>
File Search/Report Copies:	<ul style="list-style-type: none"> <li>Access Requests: fees in accordance with FOIP Act and Regulation</li> <li>Photocopies: per Town of Diamond Valley fee structure</li> </ul>
Duplicate of Photograph:	<ul style="list-style-type: none"> <li>Digital copies, no charge</li> <li>Photocopy: per Town of Diamond Valley fee structure</li> <li>Photo Reproduction: Costs + 10%</li> </ul>
Permit to discharge High Hazard or Display Fireworks:	<ul style="list-style-type: none"> <li>Permit to discharge Display Firework: <ul style="list-style-type: none"> <li>➤ \$150.00 for non-municipal events</li> <li>➤ No charge for municipal or partner (sponsor) events</li> </ul> </li> </ul>
Fire Permits	No cost