

**VILLAGE OF VETERAN
BYLAW NO. 512-13
FIRE BYLAW**

BEING A BYLAW OF THE VILLAGE OF VETERAN IN THE PROVINCE OF ALBERTA FOR THE PREVENTION, REGULATION AND CONTROL OF FIRES WITHIN THE VILLAGE OF VETERAN.

WHEREAS, Section 7 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, hereinafter referred to as the “MGA” provides that Council may pass bylaws respecting the safety and welfare of people and the protection of people and property; the prevention or the extinguishing of fires, the preservation of life and property; and the protection of persons from injury or destruction by fire;

AND WHEREAS, Section 7 of the MGA also provides that council may pass bylaws respecting the creation of offences and imposing fines not exceeding \$10,000;

AND WHEREAS, Section 553 of the MGA provides that council may add unpaid expenses, costs and remuneration related to the municipality extinguishing fires on the parcel to the tax roll of a parcel of land;

AND WHEREAS, The council of the Village of Veteran deems it necessary and expedient to provide for a fee for service for the provision of certain services and to provide for the fair and just recovery of those costs and expenses;

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

1. Short Title

This Bylaw may be called the “Fire Bylaw.”

2. Definitions

“Acceptable Fire Pit”- means an outdoor receptacle that meets the specification noted under Section 10.

“Apparatus” - means a vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies.

“Chief Administrative Officer” or “CAO” means the Chief Administrative Officer for the Village or their designate.

“Council” - means the Council of the Village of Veteran.

“Dangerous Goods” means any material or substance that may constitute any immediate or long-term adverse effect to life, health, property of the environment when burned, spilled leaked or otherwise released from its normal use. It shall include those products, substances and organisms described in the Dangerous Goods Transportation and Handling Act, R.S.A. 2000, c. D-4 as amended, and the regulations promulgated thereunder.

“Equipment” means any tools, contrivances, devices or materials used by the Fire Department to combat an Incident or other emergency.

“False Alarm” means any fire alarm that is set off needlessly, through willful or accidental, human or mechanical error, and to which Fire Department responds.

“Fire Chief” means the person appointed by Council as head of the Fire Department.

“Fire Protection” means all aspects of fire safety including but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

“Incident” means a fire, a situation where an explosion is imminent and any other situation where there is danger or a possible danger to life or property.

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“Incinerator Fire” means a fire that is confined within a non-combustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 7 millimeters, but does not include any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act and regulations.

“Member” means any person who is appointed to be a volunteer member of the Fire Department by the Fire Chief or Designate.

“Member in Charge” means, in the absence of the Fire Chief, or Member of the Fire Department in command of the Fire or Incident.

“Municipality” means the municipal corporation of the Village of Veteran, in the Province of Alberta, and where the contexts requires, means all lands situated within the corporate boundaries of the Village of Veteran.

“Portable Appliance” means any appliance sold or constructed for the purpose of cooking food in the out of doors.

“Prohibited Debris” means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic contaminants, pursuant to Alberta Regulation 110/93.

“Property” means any real or personal property including, but not limited to, land and structures and equipment.

“Smudge Fire” means a fire set for the purpose of protecting livestock from insects or for protecting garden plants from frost.

“Violation Ticket” means a ticket issued pursuant to the Provincial Offences Procedure Act, as amended, and the Regulations thereunder.

3. Jurisdiction

The limits of the jurisdiction of the Fire Department will extend to the area and boundaries of the Village of Veteran, Special Areas #4 and the area and boundaries of municipalities and the counties as stated in the Mutual Aid Agreement. No part of the fire apparatus shall be used beyond these limits without the express authorization of a written contract or agreement providing for the supply of fire firefighting services outside the municipal boundaries.

4. Fire Department Level of Service

The Fire Department will deliver limited essential public services through dedicated volunteer fire fighters who are adequately trained and equipped to respond to emergency incidents to standard of a reasonable volunteer fire department serving the Village and rural areas, subject to available resources. In identifying the emergency services and service levels below, Council has attempted to balance the needs of the public, the safety of its volunteer firefighters and the protection of life, property and the environment within the context of competing interests for scarce resources.

The level of service provided by the Fire Department is as follows:

1. Pre-Emergency Planning – Basic Skills
2. Structural Fire Fighting – Exterior defensive operation only and Basic Skills
3. Wildland/Urban Interface Fire Fighting – Basic Skills
4. Incident Command Services – Basic Skills
5. Rescue – Basic Skills
6. Training – Develop and maintain skills to ensure that all volunteer fighters are:
 - a. Adequately qualified,
 - b. Suitably trained, and
 - c. Sufficiently experienced to safely perform their duties with minimal or no supervision.
7. Other Services and Authorities – respond to public complaints including:
 - a. Fire pits
 - b. Alarms
 - c. Unknown odors

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Mutual Aid Responses – In accordance with Council approved mutual aid agreements and established protocols.

5. Fire Chief

1. The Fire Chief shall be appointed by Council.
2. The Fire Chief may appoint as many members as he or she deems required for the operation of the Fire Department. The Fire Chief shall supervise these appointed members.
3. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction of Council, and in particular, shall carry out all Fire Protection activities and such other activities as directed in the approved annual budget, including, but not limited to:
 - a. Rescue;
 - b. Emergency Medical Services;
 - c. Pre-fire Planning;
 - d. Disaster Services;
4. The Fire Chief may establish rules, regulations, policies and committees subject to the ratification of Council, for the proper organization and administration of the Fire Department including:
 - a. The use, care and protection of the Fire Department property;
 - b. Conduct and discipline of members of the department;
 - c. Efficient operations of the Fire Department and;
 - d. Training of member of the Fire Department.
5. The Fire Chief, or member in charge, shall have control, direction and management of any fire department apparatus, equipment or human resources required and assigned to an Incident, and where a member is in charge, he or she all continue to act until relieved by a member authorized to do so.
6. The Fire Chief that is at an Incident may, at his or her discretion:
 - a. Establish boundaries or limits to prevent persons from entering the area within the prescribed boundaries;
 - b. Request peace officers to enforce restrictions on persons entering within the boundaries or limits described;
 - c. Cause a building, structure or thing to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings structures or things and;
 - d. Cause the Fire Department to enter on any land or premises, including adjacent land or premises to combat or deal with the Incident in whatever manner is deemed necessary.
7. The Fire Chief may obtain assistance from other officials of the municipality as he/she deems necessary in order to discharge his/her duties and responsibilities under this bylaw.
8. The Fire Chief or member in charge of an incident may request persons who are not members to assist in removing furniture, goods and merchandise from any building in danger of fire and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.
9. The Fire Chief or member in charge of an incident is empowered to commandeer privately owned equipment including equipment operator, which he/she considers necessary to deal with an incident.

6. POWERS OF FIRE DEPARTMENT MEMBERS

1. Each person duly appointed by the Fire Chief is a member of the Veteran Fire Department by virtue of his or her appointment.
2. Each member shall have the authority and power to:
 - a. Extinguish or control any fire;
 - b. Perform the operation necessary to preserve life and property;

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- c. Regulate the conduct of the public in and around the Incident.
3. The Member in Charge, or Member directed by the Member in Charge, shall have the authority to:
 - a. Require any able-bodied adult person to assist in extinguishing fires and to assist in the prevention and spread thereof;
 - b. Authorize payment for the possession or use of any equipment for the purposes of fighting a fire;
 - c. Enter a closed area without a permit or written permission for the purpose of controlling or mitigating a fire or incident;
 - d. Obtain from any person found entering, or situated on public land;
 - i. That person's name, address and an account of activities;
 - ii. The activities the person proposes to carry out; and
 - iii. The route the person intends to travel.
 - e. Without warrant, enter on to any land or premises which is on fire and proceed to extinguish the fire, rescue an individual whose life is in imminent danger or prevent the spread of fire thereof.

7. CONTROL OF FIRE HAZARDS

1. If, in the opinion of the Fire Chief, there exists a fire hazard on land within the Municipality, whether public or private, the Fire Chief may order the owner of the person in control of the said land to reduce or remove the hazard within the time and in the manner described by the Fire Chief.
2. In the event of non-compliance with an order made pursuant to Section 6.1, the Fire Chief may enter onto the land with any equipment and human resources necessary to eliminate or reduce the fire hazard with the costs charged to the land owner.

8. DISCHARGE OF DUTIES

Any member charged with the enforcement of this Bylaw, acting in good faith, and without malice for the Village of Veteran in the discharge of his/her duties, shall not hereby render themselves liable personally and he/she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act or omission of the Member in the discharge of those duties.

9. REQUIREMENT TO REPORT

1. The owner of any property damaged by Fire shall, either personally or by agent, immediately report the particulars of the Fire to the Fire Department in a manner set out and in accordance with the Safety Codes Act, R.S.A. 2000, c. S-1 as amended.
2. The owner of any property upon which Dangerous Goods have been spilled or released shall, either personally or by agent, immediately report the particulars of such spill or release to the Fire Department.

10. ACCEPTABLE FIRE PITS AND OUTDOOR FIREPLACES

1. Outdoor Fire Pits and Outdoor Fireplaces shall meet the following requirements:
 - a. A minimum of 3 meters clearance from buildings, property lines and combustible materials;
 - b. It is constructed of bricks or concrete blocks, or heavy gauge materials or other suitable non-combustible components;
 - c. It has a spark arrestor mesh screen of 7 millimeters (.25 inches) expanded metal (or equivalent) to contain sparks over the fire at all times;
 - d. It must be supervised at all times by a responsible adult person until such time that fire has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire;
 - e. Only wood, charcoal briquettes, propane or natural gas fuel are used;
 - f. Any flame height does not exceed 90 cm (3.28) feet above the outdoor fire pit or outdoor fireplace;
 - g. A fire pit cannot be located in the front yard.
 - h. No person shall have an outdoor fire unless there is access to an outside water source to assist in extinguishing the fire.

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2. A fire pit provided by the Village of Veteran within a designated campground where burning for cooking and warming is permitted.
3. A Portable appliance is permitted.
4. A Smudge Fire is permitted.

11. FIRE BAN

1. The Village may at any time by agreement of the Fire Chief, CAO, or an Elected Official order or cancel a fire ban or without conditions within the Municipal boundaries of the Village.
2. All open fires, outdoor fires and recreational fires within the Village shall immediately be extinguished upon order of a fire ban.
3. A notice of a fire ban will be posted on the Village website, posted on the Village Office window and posted at the Post Office.
4. For the duration of any Village Fire Ban, the fire department is authorized to extinguish all open fires, whether controlled or not, within the municipal limits.
5. Fire fighting costs, including consumables, which are incurred to fight fires that are in contravention of this bylaw shall be the responsibility of the owner of the property, pursuant to Section 553 of the MGA, R.S.A. 2000, Chapter M-26.

12. RECOVERY OF COSTS

1. Where the Fire Department has extinguishing a fire or responding to a fire call or incident within or outside the Municipality or for the purpose of preserving life or property from injury or destruction by fire or other incident, on land within or outside the Municipality, including any such action taken by Fire Department on a false alarm, the Fire Chief may, in respect of any costs incurred by Fire Department in taking such action, charge any costs so incurred by Fire Department to the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
2. The costs and fees that may be charged by the Fire Department for services rendered pursuant to the Bylaw shall be set out in Schedule A, attached hereto and forming part of this bylaw
3. In respect of the costs or fees described in Section 12 (1) and (2);
 - a. The Municipality may recover such costs or fees from the person or persons responsible, as a debt due and owing the Municipality pursuant to Section 551 of the MGA, R.S.A. 2000, Chapter M-26; and,
 - b. Where the cost or fee is not paid upon demand by the Village, then in default of payment, the Municipality shall add the cost of the work performed to the tax roll of the said land, pursuant to Section 553 of the MGA, R.S.A. 2000, Chapter M-26.

13. PROHIBITIONS

1. No person shall impede, obstruct, abuse or in any way hinder a Fire Chief, Member in Charge or Member at any incident.
2. No person shall place or leave in place any vehicles, article, thing or matter in such a manner as to interfere with free access or approach to any fire hydrant or service connection.
3. No person shall move any fire hose, or drive a vehicle over any hose at any fire without permission of the Fire Chief, or Member in Charge.
4. No person other than an employee of the Village of Veteran or Member of the Veteran Fire Department shall use any fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from the

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Village of Veteran. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, or bodies of water designated for fire fighting purposes.

5. Any person who in any way obstructs, prevents, or refuses to admit a Safety Codes Officer, Fire Inspector or investigator into, or upon any land, premises, yards or buildings for the purpose of investigating the same, or who incites or abets such action shall be considered in breach of this bylaw. The Safety Codes Officer for the Village of Veteran shall have all the powers as provided for in the Safety Codes Act with reference to the Fire Discipline.
6. No person shall willfully or maliciously destroy or injure any property at a fire or any Apparatus or Equipment belonging to the Fire Department.
7. No person shall falsely represent himself or herself as an employee, or Member of, or connected with the Fire Department.
8. No person shall wear, use or have in their possession or under control of any official badge, identification or uniform of the Fire Department except with the express written consent of the Fire Chief.
9. No person shall falsely state that they have the sanction of the Fire Department in soliciting any person, agency society or company on any matter.
10. No person shall light an outdoor fire unless the outdoor fire pit or fireplace meets the requirements set out in Section 10 (1) of the Bylaw.
11. The Fire Chief is authorized to remove a fire pit or fireplace that does not meet the requirements set out in Section 10 (1), or is deemed dangerous.
12. No person shall burn prohibited debris or allow any fire to give off dense smoke or offensive odor in a manner which creates a risk to public safety.
13. No Person shall light an outdoor fire, a structure fire, an incinerator fire, or a portable device not fuelled by propane or natural gas during a municipal or provincial fire ban pursuant to the Forest and Prairie Protection Act.
14. No Industrial or Commercial type incinerator fires are permitted.
15. No burning allowed in areas designated as Municipal or Environmental Reserve, or in designated Restricted Area.
16. Any person who refuses to provide or furnish any information required under the Bylaw, when requested shall be in breach of this Bylaw.
17. This Bylaw does not apply to fires that are set for the purpose of training fire fighters.

14. OFFENCES AND PENALTIES

1. Every person who violated any of the provisions of this Bylaw, or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, shall be deemed guilty of an infraction of this Bylaw, and upon summary conviction will be liable to a fine as prescribed in Schedule A, attached to and forming part of this Bylaw.
2. Despite section 14 (1), any person who commits a second or subsequent offence under this bylaw within one (1) year of committing the first offence, is liable to a fine set out in Schedule A, attached and forming part of this Bylaw.
3. Any person who is guilty of an offence for which a penalty is not provided is liable to a fine as set out in Schedule A, attached and forming part of this Bylaw.
4. The Village of Veteran, or a person authorized by the Village of Veteran is authorized to issue a violation ticket to any person who contravenes any section of this Bylaw.

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15. GENERAL

1. It is the intention of the Council of The Village of Veteran that each separate provision of this Bylaw will be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw will remain valid and enforceable.
2. Bylaw No. 430-92 and 399-88 are hereby repealed.
3. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this 24^h day of September, 2013

READ A SECOND TIME IN OPEN COUNCIL this 24th day of September, 2013

READ A THIRD TIME IN OPEN COUNCIL this 24th day of September, 2013

Mayor

Chief Administrative Officer

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Schedule “A” - Fees and Fines

WHEREAS, under the provisions of Section 44 of the Provincial Offences Procedure Act, being Chapter P-34 of the Revised Statute of Alberta, 2000, and amendments thereto, and under the provision of Section 7 of the MGA being Chapter M-26 of the Revised Statutes of Alberta, 2000, the Council of a Municipality may, by Bylaw, provide for the payment of violation tickets or summons out of court.

A Violation ticket may be issued by any person authorized by the Village of Veteran charged with a breach of any of the provisions of this Bylaw and the hereto mentioned Acts shall apply in regards to the payment.

1. Fines:	First Offense	Second Offense	Third Offense
Section 10			
10.1 Prohibited fire pit.	\$250	\$500	\$750
10.2 Inadequate clearance from buildings, property lines and combustible materials.			
10.3 Outdoor fire unsupervised by adult.	\$250	\$500	\$750
10.4 Fire pit located in the front yard.	\$250	\$500	\$750
10.5 Using prohibited material within a fire.	\$250	\$500	\$750
10.6 Flame height above 3.28 feet above fire pit.	\$250	\$500	\$750
Section 11			
11.1 Light outdoor fire during municipal or provincial fire ban.	\$250	\$500	\$750
11.2 Impede, obstruct or abuse any member of the Fire Department at any Incident.	\$250	\$500	\$750
11.3 Impede or obstruct free access to any fire hydrant, service connection or fire hose.	\$250	\$500	\$750
11.4 Discharge of fire hydrants without permission from the Fire Chief or Village of Veteran	\$250	\$500	\$750
11.5 Impede, prevent or refuses to admit Safety Codes Officer or investigator at fire scene	\$250	\$500	\$750
11.6 Destroy or injure any property at a fire or any Fire apparatus or equipment belonging to the Fire Department.	\$250	\$500	\$750
11.7 Falsely represent themselves as a member of the Fire Department	\$250	\$500	\$750
11.8 Allow any fire to give off dense smoke or or offensive odor.	\$250	\$500	\$750
11.9 Burning industrial or commercial type fire	\$250	\$500	\$750
11.10 Burning in designated Municipal or Environmental Reserve or designated restricted area.	\$250	\$500	\$750
11.11 Failure to furnish any information required under this Bylaw	\$250	\$500	\$750
11.12 No penalty provided	\$250	\$500	\$750
2. Fees			
2.1 Fire Fighting Fees – per unit, per hour			\$400
2.2 False Alarm			\$200
2.3 Medical Assists – in the Village			\$200
2.4 Volunteer Firefighter – per firefighter, per hour			\$25