

**TOWN OF OLDS  
BYLAW NO. 2005-06**

**A BYLAW OF THE TOWN OF OLDS TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE DEPARTMENT AND FOR THE PROTECTION OF PEOPLE AND PROPERTY.**

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

AND WHEREAS the purposes of a municipality include providing services that, in the opinion of Council, are necessary and desirable;

AND WHEREAS it is desirable that the people for whom services are provided be responsible for offsetting the cost of providing those services;

AND WHEREAS the *Safety Codes Act*, R.S.A. 2000, c. S-1, enables an accredited municipality to make Bylaws respecting fees for services provided pursuant to the Act and carrying out its powers and duties as an accredited municipality;

AND WHEREAS the Town of Olds is an accredited municipality under the *Safety Codes Act*;

NOW THEREFORE, the Council of the Town of Olds, duly assembled, enacts as follows:

**SECTION 1: NAME**

1.1 This Bylaw may be cited as the "Town of Olds Fire Bylaw."

**SECTION 2: DEFINITIONS**

2.1 In this Bylaw:

- a) "Administrator" means the municipality's Chief Administrative Officer;
- b) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport firefighters or supplies;
- c) "Authority having jurisdiction" means:
  - i. The Chief or Deputy Chief of the Fire Department;

- ii. Any persons designated by the Town of Olds as a Safety Codes Officer in the Fire Discipline and in accordance with the *Safety Codes Act*, R.S.A. 2000, c. S-1, as amended.
  
- d) "Council" means the Council of the Town of Olds;
  
- e) "Dangerous Goods" means any material or substance that may constitute an immediate or long-term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment, and 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.
  
- f) "Designate" means any person designated by the Fire Chief to act in the capacity of Fire Chief;
  
- g) "Enforcement Officer" means any member of the Royal Canadian Mounted Police who is a peace officer, or a Bylaw Enforcement/Special Constable of the Municipality;
  
- h) "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an Incident or other emergency;
  
- i) "False Alarm" means any fire alarm that is set off needlessly, through wilful or accidental, human or mechanical error, and to which the Fire Department responds;
  
- j) "Fire" means any combustible material in a state of combustion;
  
- k) "Fire Chief" means the person appointed by Council as manager or head of the Fire Department;
  
- l) "Fire Department" means the department established in the Municipality by this Bylaw and includes any Member;
  
- m) "Fire Department Property" means all Property owned or controlled by the Municipality and designated for use by the Fire Department, regardless of the source of the Property;
  
- n) "Fire Permit" means a permit described in the Schedule(s) attached hereto;
  
- o) "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.

p) "Incident" means:

- i) a Fire;
- ii) a situation where an explosion is imminent; or
- iii) any situation where there is a danger or a possible danger to life or property;

to which the Fire Department has responded;

- q) "Member" means any person who is appointed to be a member of the Fire Department by the Administrator, Fire Chief, or Designate, and includes any part-time member or volunteer member;
- r) "Member in Charge" means, in the absence of the Fire Chief, the Officer or Member of the Fire Department in command of the Fire or Incident;
- s) "Municipality" means the municipal corporation of the Town of Olds, in the Province of Alberta, and where the context requires, means all lands situated within the corporate boundaries of the Town of Olds;
- t) "Offence Notice Violation Ticket" means an offence notice violation ticket pursuant to Part 3 of the *Provincial Offences Procedure Act*, R.S.A. c. P-34, as amended, and the regulations promulgated thereunder.
- u) "Officer" means a Member appointed by the Fire Chief or Designate to a supervisory position within the Fire Department;
- v) "Open Fire" means any Fire which is not contained within a fire pit, an outdoor fireplace, a stationary barbeque, or an incinerator approved by Alberta Environment, and includes, but is not limited to:
  - i. Fire for the burning of weeds, grass, leaves, brush or any other plant matter;
  - ii. Fire related to recreational uses in an area that has not been designated for recreational Fire by the Municipality;
  - iii. any Fire set for the purpose of thawing frozen ground.

- w) "Property" means any real or personal property including, but not limited to, land and structures;
- x) "Refuse or Waste" means:
  - i. all animal or vegetable matter including materials resulting from the handling, preparation, cooking, consumption and storage of food;
  - ii. broken dishes, tins, glass, rags, cast-off clothing, waste paper, excelsior cardboard, sawdust, food containers, plastic, grass cuttings, shrubbery and tree prunings, weeds, garden waste, manure, tree stumps, roots, turf, earth, furniture, major household appliances, discarded auto parts or such waste matter as may accumulate as a result of building construction, renovation, repair, or demolition;
  - iii. any waste referred to in the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, as amended, and all regulations promulgated thereunder;
- y) "Summons Violation Ticket" means a summons violation ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. c. P-34, as amended, and the regulations promulgated thereunder.

### **SECTION 3: FIRE DEPARTMENT**

**3.1** Council hereby establishes 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 services;
- (e) preventing, combating and controlling Incidents;
- (f) carrying out fire inspections and prevention patrols.

**3.2** The Fire Department is hereby authorized to control and mitigate incidents involving Dangerous Goods.

#### **SECTION 4: FIRE CHIEF**

- 4.1** The Fire Chief shall be appointed by the Administrator and shall be responsible to the Administrator.
- 4.2** The Fire Chief or Designate may appoint as many Officers as he or she deems required for the operation of the department. These other Officers shall be supervised by the Fire Chief or Designate.
- 4.3** The Fire Chief may appoint additional Members to the Fire Department as he or she deems required for the proper and efficient operation of the Department. These Members shall be supervised by the Fire Chief or Designate, and the other Officers.
- 4.4** The Fire Chief or Designate has complete responsibility and authority over the Fire Department, subject to the direction and control of the Administrator, to which he or she shall be responsible, and in particular, may 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, excluding ambulance services;
  - c) pre-fire planning;
  - d) disaster services;
  - e) preventative patrols; and
  - f) fire inspections.
- 4.5** Subject to the ratification by the Administrator, the Fire Chief or Designate may establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including, but not limited to
- (a) use, care and protection of Fire Department Property;
  - (b) conduct and discipline of Officers and Members of the Fire Department;
  - (c) efficient operations of the Fire Department; and
  - (d) training of Officers and Members of the Fire Department.
- 4.7** The Fire Chief or Designate, or in his or her absence, Member in Charge, shall have control, direction and management of any Fire Department Apparatus, Equipment or human resources assigned to an Incident, and where a Member is in charge, he or she shall continue to act until relieved by an Officer authorized to do so.

**4.8** The Fire Chief, Designate, or the Member in Charge, as the case may be, that is at an Incident may, at his or her discretion:

- a) establish boundaries or limits and prevent persons from entering the area within the prescribed boundaries or limits;
- b) request peace officers to enforce restrictions on persons entering within the boundaries or limits described in Section 4.8(a);
- 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, control or deal with the Incident in whatever manner deemed necessary.

## **SECTION 5 POWERS OF FIRE MEMBERS**

**5.1** Each person duly appointed by the Fire Chief is a Member of the Fire Department by virtue of his or her appointment.

**5.2** Each Member shall have the authority and power to:

- (a) extinguish or control any Fire,
- (b) perform the operations necessary to preserve life and Property;
- (c) enter onto any Property for the purpose described in subsections (a) or (b);
- (b) regulate the conduct of the public in and around the vicinity of any place where a Member is performing the activities described in subsections (a) or (b).

**5.3** The Member in Charge, or a 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 purpose of fighting a Fire;
- (c) enter a closed area without a permit or written permission for purposes of controlling or mitigating a Fire or Incident;
- (d) obtain from any person found leaving, 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 on public land.
- (e) without a warrant, enter on to any land or premises, except a private dwelling house, for the purpose of discharging duties under this Bylaw;
- (f) without a warrant, enter any private dwelling house which is on Fire and proceed to extinguish the Fire or prevent the spread thereof;
- (g) without a warrant, enter any private dwelling to rescue an individual whose life is in imminent danger;
- (g) direct the operations necessary to extinguish or control the Fire, or to preserve life and Property; and
- (h) regulate the conduct of the public in and around the vicinity of any place where a Member is performing the activities necessary to extinguish or control Fire, or to preserve life or Property.

## **SECTION 6 CONTROL OF FIRE HAZARDS**

- 6.1** If, in the opinion of the Fire Chief or Designate, there exists a fire hazard on land within the Municipality, whether public or private, the Fire Chief or Designate may order the owner or the person in control of the said land to reduce or remove the hazard within the time and in the manner prescribed by the Fire Chief or Designate.
- 6.2** 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.
- 6.3** The owner or person in control of the land on which work was performed pursuant to section 6.2 shall, upon receipt of written demand by the Municipality, reimburse the Municipality for the cost of the work performed.
- 6.4** If payment is not received within 30 days of the issuance of a demand pursuant to section 6.3, the Municipality shall add the cost of work performed to the tax roll of the said land, and cause a corresponding lien to be registered against the land at the Land Titles Office.

## **SECTION 7 REQUIREMENT TO REPORT**

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

## **SECTION 8 FIRE PERMITS**

- 8.1** The Municipality may issue a Fire Permit for an Open Fire in the form set out in Schedule B.
- 8.2** The fee charged by the Municipality for issuing a Fire Permit shall be \$10.00.
- 8.3** The Municipality shall attach such conditions to a Fire Permit issued pursuant to section 8.1 as are necessary to comply with the *Safety Codes Act* R.S.A. 2000, c.S-1, as amended, and this Bylaw.
- 8.4** No person shall permit, suffer, or allow an Open Fire upon land owned, occupied, or under control of that person within the Town of Olds without having obtained a valid Fire Permit issued pursuant to this Bylaw.
- 8.5** A Fire Permit holder shall ensure that any Fire authorized by the said Fire Permit is kept under the control of a competent person, and shall make reasonable efforts to secure the area surrounding the fire from entry by unauthorized persons.
- 8.6** Any person responsible for a Fire that:
- a) is deemed by the Fire Chief or Delegate, in his or her sole discretion, to present a danger to the public or to adjacent Property; and
  - b) is required to be extinguished, controlled or otherwise serviced by the Fire Department;

shall, upon demand by the Municipality, reimburse the Municipality forthwith for any costs incurred in relation to the Fire.

## **SECTION 9. FIRE PITS, OUTDOOR FIREPLACES AND STATIONARY BARBECUES**

- 9.1** Fire Permits are not required for Fires that are entirely contained in fire pits, outdoor fireplaces, and stationary barbeques that:

- (i) are not less than three (3) meters from all buildings, property lines, and combustible materials;
- (ii) have a surface or cooking area of not more than 3,800 square centimetres,
- (iii) have enclosed sides no greater than 46 centimetres above ground level;
- (iv) are constructed of bricks, concrete blocks, heavy gauge metal, or other suitable non-combustible components as approved by the Municipality;
- (v) have a spark arrestor mesh screen of 1.30 centimetres expanding metal (or equivalent);
- (vi) are used to burn only clean fuel (clean dry wood or charcoal);
- (vii) are not be used to burn refuse or waste matter; and
- (viii) do not emit smoke or sparks onto neighbouring Property, or otherwise create a nuisance or hazard to neighbouring Property.

**9.2** Fire permits are not required for portable barbecues which burn liquefied petroleum gas (LPG), natural gas, compressed briquettes, or charcoal when used for the purpose of cooking or obtaining warmth, provided the appliances for cooking or obtaining warmth are used on the private property or in a public area as approved by the authority having jurisdiction.

## **SECTION 10 RECOVERY OF COSTS**

**10.1** Where the Fire Department has:

a) taken any action in response to a Fire, Incident or False Alarm within the Municipality; and

b) determined that such Fire or Incident is in contravention of this Bylaw,

the Fire Chief may, in respect of any costs incurred in taking such action, charge any costs so incurred to the person who caused the Fire, Incident or False Alarm, or to the owner or occupant of the land in respect of which the action was taken.

**10.2** The costs and fees that may be charged by the Fire Department for services rendered pursuant to this Bylaw shall be as set out in the Town of Olds Rate Bylaw No. 01-06, being Schedule "B" to this Bylaw.

**10.3** Notwithstanding section 10.1, an owner or occupant of land shall not be charged for costs incurred due to a False Alarm unless such owner or occupant is responsible for such False Alarm.

**10.4** In respect of the costs or fees as described in Sections 10.1 and 10.2;

- (a) the Municipality may recover such costs or fees as a debt due and owing the Municipality; and
- (b) where the cost or fee is not paid upon demand by the Town, then in default of payment, the Municipality shall add the cost of work performed to the tax roll of the said land, and cause a corresponding lien to be registered against the land at the Land Titles Office.

**SECTION 11 OFFENSES**

**11.1** Any person who ignites, fuels, supervises, maintains or permits an Open Fire within the Municipality contrary to the provisions of this Bylaw is guilty of an offence.

**11.2** No person shall:

- (a) deposit, discard or leave any burning matter or substance in a location where it may reasonably be expected to ignite other material and cause a Fire;
- (b) conduct any activity that might reasonably be expected to cause a Fire, without exercising reasonable care to control the Fire;
- (c) provide false, incomplete, or misleading information to the Municipality or the Fire Department on or with respect to a Fire Permit application;
- (d) interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or Property;
- (e) interfere with the operation of any Fire Department Property, Apparatus or other equipment required to extinguish Fires or preserve life or Property;
- (f) damage or destroy Fire Department Property;
- (g) falsely represent oneself to be an Member, employee, or person connected or affiliated with the Fire Department; or
- (h) wear, use or have in his or her possession or under his or her control any official badge, identification card, insignia, button, cap, helmet or uniform of the Fire Department, unless such person is a Member of the Fire Department and has direct and specific authority to do so.

## **SECTION 12 PENALTIES**

**12.1** Every person who:

- (a) commits an act or omission in violation of any of the provisions of this Bylaw;  
or
- (b) suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw

is guilty of an infraction of this Bylaw, and upon summary conviction, is liable to imprisonment for a term of not more than six (6) months, or to a fine of not more than \$10,000.00, or both.

## **SECTION 13 VIOLATION TICKETS**

**13.1** An Enforcement Officer who believes on reasonable and probable grounds that an offence of this Bylaw has been committed may:

- a) issue an Offence Notice Violation Ticket; or
- b) issue a Summons Violation Ticket.

**13.2** Where an offence of this Bylaw continues for more than one day, an Enforcement Officer may issue one Offence Notice Violation Ticket or Summons Violation Ticket for each day that the offence continues.

**13.3** An Enforcement Officer that issues an Offence Notice Violation Ticket or Summons Violation Ticket must serve such ticket on the defendant by delivering it personally to the defendant or, if the defendant cannot conveniently be found, by leaving it for the defendant at the defendant's residence with a person on the premises who appears to be at least 18 years of age.

**13.4** A defendant who wishes to plead guilty may make a voluntary payment in respect of a ticket by delivering, on or before the initial appearance date, the Offence Notice Violation Ticket or Summons Violation Ticket together with a specified penalty in the amount of:

- a) \$100 in the case of a first offence; or
- b) \$200 in the case of a subsequent offence

to the address specified on the ticket.

**SECTION 14 MISCELLANEOUS**

- 14.1** This Bylaw shall come into effect upon the final passing thereof.
- 14.2** Nothing in this Bylaw shall be construed to give the Fire Department or the Fire Chief control or authority respecting ambulance services.
- 14.3** Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

**SECTION 15 REPEAL**

- 15.1** Town of Olds Bylaw No. 01-10 and all amendments thereto is repealed.

READ A FIRST TIME THIS 24th day of May, 2005

READ A SECOND TIME AS AMENDED THIS 13 day of June, 2005

READ A THIRD AND FINAL TIME AS AMENDED THIS 11 day of July, 2005.

\_\_\_\_\_  
Judy Dahl, Mayor

\_\_\_\_\_  
Dale Withage, Chief Administrative Officer

Signed by the Chief Elected Officer and the Chief Administrative Officer this 13 day of July, 2005.

**TOWN OF OLDS**

**BYLAW NO. 2005-06**  
**SCHEDULE "A"**

**FIRE OR SPILL REPORT**  
**SECTION 7**

**Fire Department**  
**4512 – 46 Street**  
**Olds, Alberta, T4H 1R5**

**TOWN OF OLDS  
BYLAW NO. 2005-06  
SCHEDULE "B"**

**FIRE BURNING PERMIT  
SECTION 8**

Fire Department  
4512 – 46 Street  
Olds, Alberta, T4H 1R5

Permit Fee: \$10.00

**PERMISSION IS HEREBY GRANTED TO:**

**NAME:** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

Postal Code: \_\_\_\_\_ Phone Number \_\_\_\_\_

**FOR THE PURPOSE OF BURNING:**

**LOCATION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ 20 \_\_\_\_\_

**FROM:** \_\_\_\_\_ TO \_\_\_\_\_  
(time) (time)

In accordance with Town of Olds Fire Bylaw No. 2005-06

**DESCRIPTION OF PERMIT:** \_\_\_\_\_  
\_\_\_\_\_

The undersigned applicant covenants and agrees with the Town as a term and condition of the permit to:

- (i) at all times keep a competent person in charge of the fire and barricade or otherwise secure the area to limit entry of unauthorized persons;
- (ii) extinguish any fire which impairs visibility in the immediate area due to weather, wind or the location of the fire;
- (iii) this Fire Permit may be suspended or cancelled at any time at the sole discretion of the Fire Chief.

(iv) \_\_\_\_\_  
\_\_\_\_\_

**Date:** \_\_\_\_\_ 20 \_\_\_\_\_

**APPROVED/REFUSED**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
FIRE DEPARTMENT