

BYLAW NO. 1194-2024

FIRE SERVICES BYLAW

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, RESPECTING THE PROVISION OF FIRE SERVICES IN AND FOR THE CITY OF LEDUC.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26.1, as amended, provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and for services provided by or on behalf of the municipality;

AND WHEREAS pursuant to the *Safety Codes Act*, R.S.A. 2000 Ch. S-1, as amended, the City of Leduc as an accredited municipality may make bylaws respecting the carrying out of its powers and duties as an accredited municipality and respecting fees for anything issued or material or service provided pursuant to that Act.

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

SECTION 1 - NAME OF BYLAW

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

SECTION 2 - DEFINITIONS

2.1 In this Bylaw:

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

- (iv) the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief; and
- (v) a spark arrestor mesh screen with openings no larger than 13 mm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- (vi) is set upon or built into the bare ground or on a non-combustible material such as brick, stone, or concrete;
- (vii) is not located over any underground utilities or below overhead wires.

(b) **"Acceptable Fireplace"** means an outdoor receptacle that meets the following specifications:

- (i) a minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
- (ii) the fireplace is constructed of materials such as bricks rocks, or metal that are heat and flame resistant;
- (iii) the fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
- (iv) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- (v) the base of the fire burning area is not less than .3 metres above the surrounding grade; and
- (vi) the fire chamber does not exceed 1.25 metres in width, and is at least .4 metres but not more than .6 metres in depth.

(c) **"Burnable Debris"** means those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:

- (i) straw and stubble;

- (ii) grass and weeds;
 - (iii) leaves and tree prunings;
 - (iv) brush and fallen trees on newly cleared land or associated logging operations;
 - (v) used power, telegraph and telephone poles that do not contain preservatives;
 - (vi) wood material from the construction or demolition of buildings which does not contain wood preservatives;
 - (vii) solid waste from sawmills or planing mills with an annual production of less than 6500 cubic metres of lumber;
 - (viii) solid waste from post and pole operations that does not contain wood preservatives; or
 - (ix) solid waste from tree harvesting operations.
- (d) **"City"** means the City of Leduc.
- (e) **"City Manager"** means the Chief Administrative Officer appointed by Council.
- (f) **"Consumer Fireworks"** means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the Explosives Act but does not include sparklers
- (g) **"Council"** means the Council of the City of Leduc.
- (h) **"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 (RSA 2000, D-4)
- (i) **"Display Fireworks"** means fireworks that are designed for professional use and are classified as high-hazard within the Explosives Act
- (j) **"False Alarm"** means any fire alarm that is set off needlessly, through willful or accidental, human or mechanical error, and to which Fire Services responds.

- (k) **"Fire Ban"** means a circumstance whereby the City has declared that all Open Air Fires are prohibited, as well as the use of Fire Crackers and fires in Acceptable Fire Pits and Acceptable Fireplaces. Under a Fire Ban no new Open Air Fire Permits will be issued, and all existing Open Air Fire Permits and Fireworks permits are suspended; however Portable Appliances using liquified petroleum gas or natural gas are permitted.
- (l) **"Firecracker"** has the same meaning as in the National Fire Code 2019 – Alberta Edition.
- (m) **"Fire Chief"** means the individual so designated by the City Manager
- (n) **"Fire Restriction"** means a circumstance whereby the City has declared that the use of Firecrackers are prohibited as well as no new Open Air Fire Permits will be issued, and all existing Open Air Fire Permits and Fireworks permits are suspended. Under a Fire Restriction, Acceptable Fire Pits, Acceptable Fireplaces, and Portable Appliances using liquified petroleum gas or natural gas are permitted.
- (o) **"Fire Services"** means Fire Services as established and organized for the City pursuant to the provisions of this Bylaw consisting of, inter alia, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of Fire Services, including fire stations.
- (p) **"Fireworks"** means Consumer Fireworks, Display Fireworks and Pyrotechnics but does not include Firecrackers;
- (q) **"Incident"** means a fire or a situation where a fire or an explosion is imminent, or any other situation presenting a danger or possible danger to life or property and to which Fire Services has responded.
- (r) **"Incinerator"** means 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 refuse, excepting plastic products.
- (s) **"Open Air Fire Permit"** and **"Permit"** means a permit issued by the City to authorize an Open Air Fire.
- (t) **"Member"** means any person who is a duly appointed member of Fire Services, including a part-time member.

- (u) **"Open Air Fire"** means any fire which is not contained in an Incinerator, Acceptable Fire Pit or Acceptable Fireplace, or in a dedicated receptacle installed by the City in a park or recreation site.
- (v) **"Owner"** means the registered owner of a parcel of land;
- (w) **"Portable Appliance"** means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- (x) **"Prohibited Debris"** means any material that when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:
 - (i) animal cadavers;
 - (ii) animal manure;
 - (iii) pathological waste;
 - (iv) non-wooden material;
 - (v) combustible material in automobiles;
 - (vi) combustible material in automobile bodies;
 - (vii) tires;
 - (viii) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (ix) solid waste from sawmills or planing mills with an annual production in excess of 6500 cubic metres of lumber;
 - (x) used oil;
 - (xi) wood or wood products containing substances for the purposes of preserving wood; or
 - (xii) household refuse.
- (y) **"Public Park Site Fire"** means a fire on land owned or leased by the City or its agents for recreational purposes and is confined to either a non-combustible container supplied by the City, as approved by the Fire Chief, or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fueled with seasoned wood, charcoal, natural gas or liquified petroleum gas.
- (z) **"Pyrotechnics"** has the same meaning as special effects pyrotechnics in the Explosives Act

SECTION 3 - FIRE SERVICES

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

- (a) preventing and extinguishing fires;
- (b) investigating the cause of fires in accordance with the Quality Management Plan approved by the Safety Codes Council.
- (c) preserving life and property and protecting persons and property from injury or destruction by fire;
- (d) providing rescue services;
- (e) preventing, combating and controlling incidents;
- (f) carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Quality Management Plan approved by the Safety Codes Council;
- (g) entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
- (h) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property; and
- (i) Enforcing the provisions of the Safety Codes Act and its regulations.

SECTION 4 - FIRE CHIEF

- 4.1 The Fire Chief authority is granted by City policy and the Safety Codes Act. The Fire Chief shall ultimately be responsible to the City Manager.
- 4.2 The Fire Chief shall perform such functions and have such powers and responsibilities as the City Manager may from time to time prescribe.
- 4.3 The Fire Chief is responsible for the development, rules, regulations and policies for the ongoing organization and administration of Fire Services.
- 4.4 Regulations, rules or policies of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 4.5 The Fire Chief, or any other Member in charge at an incident, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if they deem it necessary to prevent the spread of fire to other buildings, structures or things.

- 4.6 The Fire Chief, or any other Member in charge at an incident, is empowered to cause Fire Services to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the incident in whatever manner the Fire Chief deems necessary.
- 4.7 Upon approval of the City Manager, negotiate on behalf of the City Manager with the Provincial Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements with recommendations and concerns regarding the establishing or renewing of any mutual aid agreement or fire control agreement or amendments thereto.
- 4.8 For the purpose of Fire Investigations and Inspections, the Fire Chief may obtain assistance from other officials of the City, as they deem necessary, in order to discharge their duties and responsibilities under this Bylaw.

SECTION 5 - REQUIREMENT TO REPORT

- 5.1 The Owner or their authorized agent of any property damaged by fire shall immediately report to Fire Services particulars of the fires which are satisfactory to the Fire Chief.
- 5.2 The Owner or their 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 Chief particulars of the release which are satisfactory to the Fire Chief.

SECTION 6 - OPEN AIR FIRES

- 6.1 No person shall start or allow an Open Air Fire or any other fire upon land owned, occupied, or under his or her control within the City, unless an Open Air Fire Permit has been issued, the provisions and conditions outlined on the Permit are complied with, and only Burnable Debris is burned.
- 6.2 Notwithstanding Section 6.1, an Open Air Fire Permit shall not be required under this Bylaw to conduct:
- (a) the cooking of food using a portable barbecuing appliance;
 - (b) recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Fireplaces, provided:
 - (i) only clean fuel is used such as liquified petroleum gas, natural gas, dry wood or charcoal in amounts which will be contained within the Acceptable Fire Pit or Acceptable Fireplace below the mesh screen;

- (ii) the Acceptable Fire Pit or Acceptable Fireplace is not used to burn Prohibited Debris;
 - (iii) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - (iv) a responsible adult is present on the property when the fire is burning;
- (c) burning in fireplaces in or attached to dwellings as provided by legislation;
- (d) burning in City owned campgrounds and parks where fireplaces, stoves and fire pits are provided by the City;
- (e) burning in an Incinerator for which a Permit to construct and license to operate has been issued pursuant to the applicable legislation; or
- (f) burning by the Fire Services Department for the purpose of training its members.

SECTION 7 - PROCEDURE TO OBTAIN OPEN AIR FIRE PERMIT

- 7.1 Any person wishing to obtain an Open Air Fire Permit must apply to the Fire Chief during the normal business hours of the Fire Services Department.
- 7.2 Each application for an Open Air Fire Permit must contain the following information:
 - (a) the name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set a fire;
 - (b) the legal and municipal description of the land on which the applicant proposes to set a fire;
 - (c) the period of time for which the Permit is required;
 - (d) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - (e) the signature of the applicant; and

- (f) the written consent to the proposed fire by the owner of the land (if different than the applicant).
- 7.3 Upon receipt of an application for an Open Air Fire Permit, the Fire Chief shall consider the application, and on a discretionary basis may, pursuant to the provisions of this Bylaw, the Alberta Fire Code, and any other safety considerations as the Fire Chief deems relevant:
 - (a) refuse to grant a Permit;
 - (b) grant a Permit with or without terms and conditions; or
 - (c) determine that a Permit is not required.
- 7.4 The Permit fee shall be as set out in the Fees Bylaw and shall be paid upon approval of the Permit application.
- 7.5 A Permit shall not be transferable.
- 7.6 Permits are valid for such period of time as shall be determined and set by the Fire Chief and the Permit shall have endorsed thereon the period of time for which the said Permit is valid.
- 7.7 The Fire Chief may extend the period of time that a Permit is valid, provided the Permit has not expired.
- 7.8 The Fire Chief may terminate, suspend or cancel an Open Air Fire Permit upon contravention of any provision of this Bylaw or the Alberta Fire Code or any terms and conditions found on the Permit.

SECTION 8 – FIRE BAN AND RESTRICTION

- 8.1 The Fire Chief may, from time to time, prohibit or limit burning by implementing a Fire Restriction or Fire Ban.
- 8.2 Notice of a Fire Ban or Fire Restriction shall be provided to the public. Notice may be in the form of signage, website, written or electronic media, or by any other means which the Fire Chief determines is appropriate for the purpose of informing the public of the Fire Ban or Fire Restriction. No Person may act in contravention of a Fire Ban or Fire Restriction.
- 8.3 A Fire Restriction or Fire Ban imposed shall remain in force until either the date provided in the notice of the Fire Ban or Fire Restriction or until such time as the Fire Chief provides notice to the public that the Fire Ban or Fire Restriction is no longer in effect.

SECTION 9 - RECOVERY OF COSTS

- 9.1 Where Fire Services has taken any action whatsoever for the purpose of services rendered, including fire investigations, business or property/site inspections, file searches, file copies, fireworks permits, permits for flammable or combustible fuel tank installation or removal, or Open Air Fire Permits, the applicable fees, as set out in the Fees Bylaw or as otherwise levied by the City from time to time, shall be paid to Fire Services.
- 9.2 Extinguishing a fire or responding to a fire call or incident within or outside the City or for the purpose of preserving life or property from injury or destruction by fire or other incident, on land within or outside the City, including any such action taken by Fire Services on a False Alarm, the Fire Chief may, in respect of any costs incurred by Fire Services in taking such action, charge any costs so incurred by Fire Services to the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
- 9.3 In respect of the fees or charges described in Sections 9.1 and 9.2:
- (a) the City may recover such fees or charges as a debt due and owing to the City; or
 - (b) in the case of action taken by Fire Services in respect of land within the City, where the fees or charges are not paid upon demand by the City, then in default of payment, such fees or charges may be charged against the land as taxes due and owing in respect of that land.

SECTION 10 - OFFENCES AND PENALTIES

- 10.1 A person who contravenes any provision of this Bylaw is guilty of an offence.
- 10.2 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established in this bylaw for each such day.
- 10.3 A person who is guilty of an offence is liable to a fine in an amount not less than that established in this Section 10, and not exceeding \$10,000, or to imprisonment for not more than one year, or both.
- 10.4 For the purposes of this Bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

10.5 A violation ticket may require the person charged with the offence to appear in court or may offer a voluntary payment option specifying a fine amount of \$250 for their first offense, or \$1,000.00 for each additional offense.

SECTION 11 - REPEAL

11.1 Bylaw No. 351-95 is repealed concurrent with this Bylaw coming into force.

READ A FIRST TIME IN COUNCIL THIS ___ day of _____, 20__

READ A SECOND TIME IN COUNCIL THIS ___ day of _____, 20__

READ A THIRD TIME IN COUNCIL AND PASSED THIS ___ day of _____, 20__

MAYOR

CITY CLERK

DATE SIGNED