

BY-LAW #321-06

BEING A BY-LAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING A FIRE PROTECTION SYSTEM IN AND FOR THE TOWN OF COALHURST;

100 – Authorities

- 101 The “Municipal Government Act” Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments; referred to as the “MGA” for the remainder of this by-law; provides for municipalities to:
- a) enact by-laws respecting the safety, health and welfare of people and the protection of people and property;
 - b) provide services by or on behalf of the municipality;
 - c) enforce by-laws.
- 102 The “Safety Codes Act” Chapter S-1 of the Revised Statutes of Alberta 2000 and amendments; referred to as the “SCA” for the remainder of this by-law; provides for municipalities to:
- a) become accredited by the Safety Codes Council in the fire discipline and, by doing so;
 - b) inspect buildings structures and places for fire safety issues;
 - c) investigate the cause and origin of all fires, and;
 - d) issue fire permits for controlled burning of approved materials.
- 103 The Town of Coalhurst has been accredited by the Safety Codes Council in the fire discipline and an approved Quality Management Plan is in effect.

200 – Definitions

- 201 Definitions – in this by-law:
- a) “Acceptable Fire Receptacle” means an outdoor receptacle that meets the following specifications:
 - i a required minimum of 3m (9.84’) clearance, measured to the nearest fire pit edge to buildings, property lines or other combustible material;
 - ii the fire pit edge does not exceed 0.6m (1.97’) when measured from the surrounding grade to the top of the pit opening;
 - iii the fire pit does not exceed 1m (3.28’) in width or 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 materials acceptable to the Fire Chief; and
 - v a spark arrestor screen with openings no larger than 1.25cm (0.5”), and constructed of non-combustible mesh, is used to cover the fire pit opening, at all times when a fire is present, in a manner which will contain and reduce the hazards of airborne sparks and embers.
 - b) “Acceptable Outdoor Fireplace” means and outdoor receptacle that meets the following specifications:
 - i a required minimum of 3m (9.84’) clearance, measured to the nearest fireplace edge to buildings, property lines or other combustible material;

- ii the fireplace is constructed of materials such as metal, bricks or rocks that are heat and flame resistant;
 - iii the fireplace is equipped with a chimney that is not less than 2.5m (8.2') in height when measured from the base of the fire burning area;
 - iv the fireplace chimney is equipped with a screen as outlined in Section 701(a)(v);
 - v the base of the fire burning area is not less than 0.3m (0.98') above the surrounding grade; and
 - vi the fire chamber does not exceed 1.25m (4.1') in width, not more than 0.6m (1.97') in depth and is no more than 0.4m (1.31') in height.
- c) "Annual Fire Permit" means a permit issued in response to an application from the owner of a commercial business, an industrial business or an institution, in writing in the format set out by the Town of Coalhurst, along with other reasonable information as may be required by the Fire Chief, and which has been approved in writing by the Fire Chief or his designate.
- d) "Burnable Debris" means those materials permitted to be burned, upon obtaining a "Fire Permit". It shall include:
- i clean, dry lumber which does not contain preservatives;
 - ii trunks, branches and sawdust resulting from tree removal;
 - iii standing grass and weeds; and
 - iv other combustible materials acceptable to the Fire Chief.
- e) "CAO" means the Chief Administrative Officer for the Town of Coalhurst or his/her designate.
- f) "Council" means the elected Council of the Town of Coalhurst.
- g) "Dangerous Goods" means any product, substance or organism in, or included by its nature in, any of the classes listed in the regulations under the "Dangerous Goods Transportation and Handling Act" Chapter D-4 of the Revised Statutes of Alberta 2000 and amendments.
- h) "Deputy Fire Chief" means the Deputy Fire Chief for the Town of Coalhurst appointed by the Fire Chief to assist the Fire Chief in managing the Fire Department and its resources.
- i) "Emergency Apparatus" means any vehicle or equipment utilized under the direction of the Fire Department.
- j) "Fire Chief" means the Fire Chief for the Town of Coalhurst as appointed or hired by the CAO to manage the Fire Department and its resources.
- k) "Fire Department" means the Fire Department of the Town of Coalhurst as it is established and organized under this by-law including:

- i. all persons recruited, appointed, or hired to the various Fire Department positions,
 - ii. all vehicles, buildings, equipment, training props, materials and supplies used in the operation, maintenance and administration of the Fire Department including the Fire Hall and attached grounds.
- l) “Fire Inspection” means a compliance monitoring inspection to maintain and verify conformance with the Alberta Fire Code and the Town of Coalhurst Quality Management Plan.
- m) “Fire Protection” means all aspects of fire safety including fire prevention, inspection, suppression, investigation, public education, pre-fire planning and firefighter training.
- n) “Incident” means a situation which appears to present a danger or possible threat to life, limb or property
- o) “Malfunctioning Alarm System” means any fire alarm or other notification device set off, without prior contact with the Fire Department, in a non-emergency situation through wilful, accidental, human or mechanical means, and responded to by the Fire Department.
- p) “Member” means a member who, having met the requirements for membership set by Council and accepted into the Fire Department by the Fire Chief.
- q) “Open Fire” means any fire that is not in an acceptable fire pit or acceptable fireplace and includes “burnable debris” fires.
- r) “Fire Permit” means a permit issued in response to an application in writing, in the format set out by the Town of Coalhurst, along with other reasonable information as may be required by the Fire Chief, and which has been approved in writing by the Fire Chief or his designate.
- s) “Peace Officer” means a member of the Royal Canadian Mounted Police or a special constable or By-Law Enforcement Officer of the Town of Coalhurst.
- t) “Probationary Member” is a person who has applied to become a member of the Fire Department and is participating in the department but who has not completed the requirements for full membership.
- u) “Prohibited Debris” means any combustible or flammable material not included under “Burnable Debris” and specifically includes:
 - i. household waste or garbage;
 - ii. animal cadavers, parts or manure;
 - iii. biological or pathological waste;
 - iv. combustible material from automobiles;
 - v. tires;
 - vi. any item containing any rubber, plastic, vinyl or similar material;

- vii. used oil;
 - viii. wood containing preservatives.
- v) “Regulated Occupancies” means those occupancies that require the determination of occupant load and/or a fire inspection in order to meet the requirements of a provincial or federal statute or other municipal by-law.
- w) “Rescue” means any removal of victims from a hazardous or life threatening situation to areas of safety or treatment.
- x) “Town” means the Town of Coalhurst, an incorporated municipality in the Province of Alberta under the provisions of the MGA.

300 – Fire Department

- 301 The Council establishes and maintains a Fire Department for the purpose of:
- a) protecting life and property from the effects of fire, explosion or accident wherever possible;
 - b) preventing fires;
 - c) extinguishing fires;
 - d) determining and reporting the cause, origin and circumstances of every fire in accordance with the Quality Management Plan;
 - e) assisting the Royal Canadian Mounted Police in the investigation of every fire where the fire is deemed to be suspicious in nature;
 - f) providing rescue services;
 - g) providing assistance at non-fire emergency incidents;
 - h) inspecting occupancies for compliance with the Alberta Fire Code in accordance with the Quality Management Plan;
 - i) providing basic first aid with CPR, level C and O₂ therapy and automated external defibrillation, when available, to assist the Lethbridge Fire Department – Ambulance Service, within the Town upon request;
 - j) providing service, as required, in accordance, with Council approved contracts and agreements with other municipalities
 - k) enforcing the Alberta Fire Code when items of non-compliance are identified;
 - l) operating apparatus, vehicles and equipment for extinguishing fires or preserving life and property;
 - m) training members and probationary members in methods to safely and efficiently accomplish the above tasks;
 - n) ensuring the maintenance of all vehicles, apparatus and equipment;
 - o) ensuring the provision of required certified protective equipment for members and probationary members;
 - p) providing recommendations to Council regarding the purchase of capital equipment for the Fire Department;
 - q) providing recommendations to Council regarding the entering into agreements with other municipalities or persons for the provision of mutual aid or other emergency services.

302 The Fire Department will operate within the corporate limits of the Town of Coalhurst and no part of the Fire Department will be used for response to emergency incidents outside the Town without the existence of a written agreement or contract between the Council and another party that provides for such response or authorization by federal or provincial statute.

400 – Fire Chief

401 The Fire Chief shall report to the CAO.

402 The Fire Chief is responsible for providing recommendations for the appointments of officers within the Department to the CAO for approval. Any such appointee will be supervised and answerable to the Fire Chief.

403 The Fire Chief will be responsible for the management of the Fire Department and resources as follows:

- a) Direction and coordination of all responses to emergency incidents;
- b) Subject to 402, appoint and oversee the actions of the Deputy Fire Chief, Captains, Lieutenants, members and probationary members at incidents, presentations and training activities;
- c) Ensuring the determination of the cause, origin and circumstances of every fire in accordance with the Quality Management Plan;
- d) Ensuring the completion and submission of all required reports after each incident and on a monthly basis to the CAO;
- e) Ensuring that all required fire inspections and occupant load determinations are completed in accordance with the Quality Management Plan;
- f) Ensuring that all required forms, certificates and reports emanating from fire inspections or occupant load determinations are completed, submitted or forwarded as required;
- g) Ensuring the development and implementation of pre-planning and public education programs on a regular basis;
- h) Developing rules, regulations, policies and procedures for the ongoing organization, operation and administration of the Fire Department. Such rules, regulations, policies and procedures shall be submitted to the CAO for review prior to being submitted to Council for approval;
- i) Enforcing approved rules, regulations, policies and procedures;
- j) Presenting the department's annual operating and capital budgets to the Budget Committee at a time and place designated by Council;
- k) Exercise expenditure and revenue authority, after Council has approved the annual budget, for items approved in that budget in accordance with the expenditure and revenue policies of the Town;
- l) Coordinate any approved capital purchases with the CAO in accordance with Town policy; and,
- m) Other responsibilities as may be assigned in writing by the CAO

- 404 The Fire Chief may delegate all duties, except for 405 (b), (h), (i), (j) and (l). Although delegated the duties remain the responsibility of the Fire Chief.
- 405 The Fire Chief, Deputy Fire Chief or Member in charge at an incident is, in the execution of their duties, empowered to cause any 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.
- 406 The Fire Chief, Deputy Fire Chief or Member in charge at an incident is, in the execution of their duties, empowered to allow Fire Department entry on or in any land, premises or building, including adjacent land, premises or building to combat, control or otherwise mitigate the incident in whatever manner they deem necessary.
- 407 The Fire Chief, Deputy Fire Chief or Member in charge at an incident is empowered to obtain assistance from other officials or employees of the Town, as they deem necessary in order to fulfil their duties and mitigate incidents within the Town.
- 408 Where an incident may be beyond the abilities and resources of the Fire Department the Fire Chief or his designate is authorized to mobilize outside resources as soon as practicable under the terms of the Town's Mutual Aid Agreements.
- 409 The Fire Chief or designate is empowered to approve, with or without conditions, or refuse any application for all Fire Permits allowed in the By-Law.

500 – Reporting Requirements

- 501 The owner or other person responsible for any property damaged by fire shall immediately report the particulars of such damage to the Fire Chief in a manner satisfactory to the Fire Chief.
- 502 The owner or other person responsible for any property containing a Dangerous Good(s) product, which sustains an accidental or unplanned release of the Dangerous Good(s) product, shall report such a release immediately to the Fire Chief in a manner satisfactory to the Fire Chief.

600 –Fire Permits

- 601 No person, business or institution shall burn anything upon land owned, occupied or under their control within the Town unless a permit has been obtained, or a permit is not required.
- 602 A permit under this by-law is not required for the following:
- a) cooking of food in a propane, natural gas or charcoal barbecuing appliance or on a propane, naphtha or natural gas camping stove;
 - b) recreational burning or cooking of food in and on acceptable fire pits and acceptable fireplaces, provided:

- i only clean fuel such as natural gas, dry wood or charcoal is used in amounts which will be contained within the fire pit or fireplace below the mesh screen;
 - ii the fire pit or 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 within a reasonable distance of the fire pit or fireplace; and,
 - iv a responsible adult attends the fire at all times;
 - c) burning by the Fire Department for the purposes of training its members;
 - d) ground thawing fires by utility companies or the Town provided that notification is made to the Fire Department.
- 603 Each application for a Fire Permit or an Annual Fire Permit must contain the following:
- a) the name and address of the applicant and the name and address of the owner of the property on which the applicant proposes to burn;
 - b) the legal and municipal description of the land on which the applicant proposes to burn;
 - c) the purpose of the proposed fire;
 - d) the signed written and witnessed permission of the owner, where the applicant is not the owner, of the land where the proposed fire will occur;
 - e) the precautions that will be taken by the applicant to ensure the fire will remain under control;
 - f) the period of time for which the permit is required; and,
 - g) the signature of the applicant along with an undertaking that they are aware that any damage caused by the fire will be their responsibility.
- 604 The owner of a commercial or industrial business or an institution in the Town of Coalhurst, may apply for an Annual Fire Permit however, he/she is also required to notify the Fire Chief, or designate, at least 24 (twenty-four) hours in advance of every burn.
- 605 Upon receipt of an application for a Fire Permit or an Annual Fire Permit the Fire Chief shall consider the application and may in accordance with this by-law, the Alberta Fire Code and personal judgement along with any investigation or inspection they deem necessary:
- a) refuse to grant a permit; or,
 - a) grant a permit with or without terms and conditions as deemed appropriate; or,
 - b) determine that a permit is not required
- 606 Every Fire Permit or Annual Fire permit issued shall specify the times that the permit begins and expires.
- 607 The Fire Chief may extend the length of time that a fire permit is valid provided that the permit time frames have not expired.
- 608 The permit fee, if any, shall be as set out in the Town of Coalhurst Policy and Procedure Manual.

609 This by-law does not authorize any fire or burning which would in any way contravene the requirements of the “Environmental Enhancement and Protection Act” Chapter E-12 Revised Statutes of Alberta 2000.

610 The Fire Chief may terminate, suspend or cancel any Fire Permit or Annual Fire Permit upon contravention of any provision of this by-law or the Alberta Fire Code or any terms or conditions found on the permit. The Fire Chief may also revoke any Fire Permit or Annual Fire Permit, at his sole discretion, if he deems there to be a negative impact to life, quality of life or safety to life and property due to changes in weather conditions or any events related to the Permit.

700 Fire Works

701 Except as permitted in Section 702, no person shall have in his or her possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off high or low hazard Fireworks within in the boundaries of the Town of Coalhurst

702 At the discretion of Town Council, a person holding a current Fireworks Supervisor Card, in accordance with Alberta Legislation, may be given permission to discharge fireworks in accordance with the Alberta Fire Code.

800 – Recovery of costs

801 Where the Fire Department, or a contracted agency, has taken any action for the purpose of:
a) inspections and occupant load determinations;
b) fire inspections;
b) third and subsequent inspections to verify correction of outstanding deficiencies;
c) file searches and letters of summary (with the owner’s written permission);
d) a Fire Permit or an Annual Fire Permit;
e) responding to an incident where a required permit was not obtained or complied with;
f) responding to a Malfunctioning Alarm System; or,
g) determining the cause, origin and circumstance of fires;

the owner of the property shall pay full cost of the action to the Town of Coalhurst.

803 Where this by-law allows a fee to be charged for a service, permit or response:
a) The Town may recover such fees or charges from the owner of the property as a debt due and owing the Town; or,
b) Where the Fire Department takes action in respect to the owner of the property, within the Town, and the fees or charges are not paid upon demand, they shall be charged to the corresponding tax account as taxes due and owing in respect of that property.

900 – Offences and Penalties

- 901 A person who contravenes or fails to comply with any condition set out in a permit or with any order or request directed to him pursuant to this by-law is guilty of an offence and liable:
- a) for the first offence a penalty of Two Hundred Fifty Dollars (\$250.00), or in default of payment to a term of imprisonment of not more than six (6) months, or to both;
 - b) for a second offence within a twelve (12) month period to a penalty of Five Hundred Dollars (\$500.00), or in default of payment to a term of imprisonment of not more than six (6) months, or to both;
 - c) for a third and any subsequent offence within a twelve (12) month period a fine of One Thousand Dollars (\$1,000.00), or in default of payment to a term of imprisonment of not more than six (6) months, or to both.
- 903 Any person who commits a breach of any of the provisions of the By-Law is guilty of an offence and shall be liable to a fine not less than Two Hundred Fifty Dollars (\$250.00) and not exceeding Ten Thousand Dollars (\$10,000.00) or to imprisonment of not more than one year, or both.
- 904 The Fire Chief, CAO or a Peace Officer may issue a Violation Ticket to any person who contravenes any provision of this by-law pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2002 C.P-34

1000 – Liability

- 1001 The Fire Chief or any Member of the Fire Department charged with the enforcement of this by-law, acting in good faith and without malice for the municipality in the discharge of his or her duties, shall not hereby render himself or herself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties.
- 1002 Any suit brought against the Fire Chief or any Member of the Fire Department because of an act or omission performed by him or her in the enforcement of any provision of this by-law, shall be defended by the Town of Coalhurst until final determination of the proceedings.

1100 – Transition Provisions

- 1101 By-Law #271-00 and By-Law #279-01 are hereby rescinded
- 1103 This By-Law shall come into full force and effect upon the date and time of final reading.

READ A FIRST TIME THIS 24 DAY OF OCTOBER, A.D. 2006
READ A SECOND TIME THIS 24 DAY OF OCTOBER, A.D. 2006
READ A THIRD TIME AND FINALLY PASSED THIS 24 DAY OF OCTOBER, A.D. 2006

Mayor

Chief Administrative Officer