

TOWN OF DRUMHELLER

BY-LAW NO. 04-07

A BY-LAW OF THE TOWN OF DRUMHELLER 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, 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

Whereas The Town of Drumheller has been accredited by the Safety Codes Council in the Fire Discipline; and

Whereas the Council the Town of Drumheller wishes to establish fire services within the municipality of Drumheller and to provide for efficient operation of such fire services; and

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF DRUMHELLER, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1- NAME

1.1 This By-law may be cited as the "Town of Drumheller Fire By-law."

SECTION 2- DEFINITIONS

2.1 In this By-law:

- (a) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport firefighters or supplies.
- (b) "Authority having jurisdiction" means:
 - (i) The Chief or his designate of the Town of Drumheller Fire Department;
 - (ii) Any or all persons designated by the Town of Drumheller as Fire Chief, or Safety Codes Officer.

- (c) "Building Waste" means and includes waste produced in the process of constructing, altering, repairing, or demolishing of a building.
- (d) "Town" means the municipal corporation of the Town of Drumheller, in the Province of Alberta, as established by Order in Council 414/97, and where the context requires means all lands situated within the corporate boundaries of the said Town.
- (e) "Council" means the Council of the Town of Drumheller.
- (f) "Enforcement Officer" means any Peace Officer of any other person appointed by the Town to enforce the provisions of this By-law.
- (g) "False Alarm" means any fire alarm that is set off needlessly, through willful or accidental, human or mechanical error, and to which the Fire Department of the Town responds.
- (h) "Fire Chief" means the person appointed by Council as manager or head of the Drumheller Fire Department or any other person designated to act on behalf of the Fire Chief.
- (i) "Fire Permit" means a permit described in the Schedule(s) attached hereto.
- (j) "Fire Protection" means all aspects of the 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.
- (k) "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 the Fire Department has responded.
- (l) "Member" means any person who is a duly appointed member of the Drumheller Fire Department including a part-time member or volunteer member.
- (m) "Open Fire" means any fire or smoldering pile of combustible material which is not contained within a fire pit, outdoor fireplace, stationary barbeque, or an incinerator which is approved by Alberta Environment, and includes fires for the burning of weeds, grass, leaves, and brush; fires related to recreational uses in non-

approved areas or containers; and the burning of coal, straw and/or other materials for the thawing of ground.

- (n) "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, Chapter E-13.3, R.S.A. 1992, the regulations thereunder and all amendments thereto.

2.2 Whenever the masculine is used in this by-law, it shall be deemed to include the feminine, and the singular shall include the plural whenever the context so requires.

SECTION 3- FIRE DEPARTMENT

3.1 Council hereby establishes the Drumheller 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 (extrication);
- (e) preventing, combating and controlling incidents;
- (f) Carrying out preventative patrols, pre-fire planning and fire inspections in accordance with the Fire 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, in accordance with approved budgets; and
- i) Enforcing the provisions of the Safety Codes Act and its regulations.

3.2 The Drumheller Fire Department is hereby authorized to control and mitigate incidents involving Dangerous Goods pursuant to the Dangerous Goods Act.

SECTION 4 - FIRE CHIEF

4.1 The Fire Chief shall be appointed by Council.

4.2 The Fire Chief shall be responsible to Council through the Director of Community Services.

4.3 Reporting through the Director of Community Services, the Fire Chief has responsibility and authority over the Fire Department, including:

- (a) the use, care and protection of Fire Department property;
- (b) the recruitment, appointment, conduct, duties and responsibilities, and discipline of the members of the Fire Department;
- (c) the efficient operation of the Drumheller Fire Department.

4.4 The Fire Chief shall:

- (a) make recommendations to the Director of Community Services on the type of equipment, apparatus, materials or supplies required for the orderly operation and maintenance of the fire department;
- (b) keep or cause to be kept, in proper form, records of all activities of the Fire Department.

- (c) Perform such functions and have such powers and responsibilities as Council may from time to time prescribe, including but not limited to:
- rescue (extrication)
 - other incidents
 - pre-fire planning
 - disaster planning
 - preventative patrols.

4.5 The Fire Chief or his designate acting in their position is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.

4.6 The Fire Chief or his designate acting in their position is empowered to cause any Member to enter on any land or premises, including adjacent land or premises, to combat, control or deal with an Incident in whatever manner the *Fire Chief, or his designate* in charge at an Incident deems necessary.

SECTION 5 - POWERS OF FIRE MEMBERS

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

5.2.1 The Fire Chief or his designate shall be given access at reasonable hours, to both public and private places, for the purpose of inspecting the premises to ascertain whether the same constitutes or is likely to constitute a fire hazard.

5.3 The Fire Chief or his designate shall have the authority and power to:

- (a) require any able-bodied adult person to assist in extinguishing fires and to assist in the prevention and spread thereof;
- (b) commandeer and 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;
- (d) obtain from any person found on public land or leaving or entering public land that person's name, address and an account of activities and the route or activities the Member proposes to carry out and the route the Member intends to follow on public land;
- (e) without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging duties under this By-law;

- (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) direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
 - (h) prevent interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of any fire.
 - (j) For the purpose of fire control, the Fire Chief or his designate acting in their position may enforce a partial or total fire ban, which will be advertised through local radio and newspaper media.
 - j) For the purpose of fire control, the Fire Chief or his designate acting in their position may enforce a fire ban in specified areas
- 5.4 The Fire Chief or his designate may seek the assistance of any department or official of the Town as he deems necessary to fulfill his duties hereunder.
- 5.5 The Fire Chief or his designate acting in their position, who is a qualified Safety Codes Officer with Designation of Powers, is hereby authorized to perform those obligations of the Town outlined in the joint Quality Management Plan under the supervision of the Chief Administrative Officer who is responsible for that Plan.

SECTION 6 - CONTROL OF FIRE HAZARDS

- 6.1 If the Fire Chief or his designate who is qualified and designated as a Safety Codes Officer with Designation Powers' finds within the Town boundaries, on privately owned land or occupied public land, conditions that in the opinion of the Fire Chief constitute a Fire Hazard or a Burning Hazard, he may order the owner or the person in control of the land on which the Fire Hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the Fire Chief or his designate.
- 6.2 Any order issued in accordance with section 6.1 can be appealed to the Safety Codes Council in accordance with the Safety Codes Act.
- 6.3 When the Fire Chief or his designate acting in their position finds that an order made pursuant to Section 6.1 has not been carried out, he may enter on the land with any equipment and persons he considers necessary and may perform the required work.

6.4 Where work was performed pursuant to Section 6.3.

- a) The owner or person in control of the land shall on demand reimburse the Town for the cost of the work performed; and
- b) The Town may recover such fees and charges as a debt due and owing to the Town; and
- c) Where the fees or charges are not paid, such fees or charges may be charged against the land as a lien in respect of that land and improvements.

SECTION 7 - REQUIREMENT TO REPORT

- 7.1 The owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Chief or his designate particulars of the fire in a manner and detail satisfactory to the Fire Chief.
- 7.2 The owner or his 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 or his designate particulars of the release in a manner satisfactory to the Fire Chief or his designate.

SECTION 8 - FIRE PERMITS

- 8.1 No person shall permit, suffer, or allow an open fire upon land owned, occupied, or under control of that person within the Town of Drumheller without having obtained a valid Fire Permit issued pursuant to this By-law.
- 8.2 The authority having jurisdiction may issue a fire permit for an open fire with conditions in accordance with the Provincial Fire Code and this by-law.
- 8.3 A person to whom a fire permit has been issued shall at all times keep a competent person in charge of the fire and shall barricade or otherwise secure the area to limit the entry of unauthorized persons.
- 8.4 A person to whom a fire permit has been issued or a person who fails to obtain a permit shall upon demand pay to the Town any and all costs incurred to extinguish a fire when in the opinion of the Fire Chief or other Fire Department Member having jurisdiction, the fire is a hazard to the public, buildings, or adjacent properties.

SECTION 9- FIRE PITS, OUTDOOR FIREPLACES AND STATIONARY BARBECUES

9.1 Fire Permits are not required for fire pits, outdoor fireplaces, and stationary barbeques that burn combustible materials, however they shall meet the following standards:

- (I) A minimum of 3.00 metres (10 feet) clearance shall be maintained from buildings, property lines, and combustible materials or as approved by the authority having jurisdiction
- (II) Installations shall have a surface or cooking area not exceeding 3,800 square centimetres (634 square inches), enclosed sides not exceeding 46 centimetres (18 inches) above ground level and shall be constructed of bricks, concrete blocks, heavy gauge metal, or other suitable non-combustible components as approved by the authority having jurisdiction.
- (III) a spark arrestor mesh screen of 1.30 centimetres (.50 inches) expanding metal (or equivalent) to contain sparks, shall be provided over the fire at all times.
- (IV) only clean fuel shall be used (clean dry wood or charcoal). Refuse or waste matter shall not be burned.
- (V) the users of such installations shall ensure that smoke or sparks do not create a nuisance or hazard to neighbours or other properties.

9.2 Fire permits are not required for portable barbecues which are operated by 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 property of the resident or in a public area at a location approved by the authority having jurisdiction.

SECTION 10 - RECOVERY OF COSTS

10.1 Where the Fire Department has taken any action whatsoever in response to a fire call or incident within the Town, including any action taken by the Fire Department on a false alarm, and it is determined such fire or incident is in contravention of this By-law, 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 By-law shall be as set out in Schedule "B" attached hereto and forming part of this By-law.

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

- (a) The Town may recover such costs or fees as a debt due and owing the Town, or
- (b) In the case of action taken by the Fire Department in respect of land within the Town, where the cost or fee is not paid upon demand by the Town, then in default of payment, such cost or fee may be charged against the land as taxes and owing in respect of that land.

SECTION 11 - OFFENSES

11.1 Any person who ignites, fuels, supervises, maintains or permits an open fire within the municipal boundaries of the Town contrary to the provisions of this By-law is guilty of an offense.

11.2 No person shall:

- (a) deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire;
- (b) conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, without exercising reasonable care to prevent the fire from occurring;
- (c) provide false, incomplete, or misleading information to the Town or the Fire Department on or with respect to a fire permit application;
- (d) interfere with the efforts of persons authorized in this By-law to extinguish fires or preserve life or property;
- (e) interfere with the operation of any Fire Department equipment or apparatus required to extinguish fires or preserve life or property;
- (f) damage or destroy Fire Department property;
- (g) falsely represent 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.

SECTION 12- PENALTIES

- 12.1** Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, or does any act or thing or omits any act or thing thus violating any of the provisions of this By-law, shall be deemed to be guilty of an infraction of this By-law, and upon summary conviction is liable to imprisonment for a term of not more than six (6) months or to a fine of not less than \$500.00 nor more than \$10,000.00, or both fine and imprisonment.
- 12.2** Notwithstanding any other provisions for penalties in this By-law, the Enforcement Officer may, in lieu of laying an information in respect to the alleged breach, issue a voluntary penalty ticket in the amount of One Hundred Dollars (\$100.00) for the first offense or Two Hundred Dollars(\$200.00) for a second or subsequent offense to the accused in respect to the said breach and the accused may within seven (7) days of the issuance of such ticket pay such voluntary penalty ticket and/or any costs charged in accordance with Section 10 of this By-law.
- 12.3** In the event that the prescribed voluntary penalty is not paid within the time allotted herein, the Enforcement Officer may thereafter lay an information in respect to the offense for which the voluntary penalty ticket was issued.

SECTION 13- REPEAL

13.1 This By-law shall come into effect on the date of its third reading and upon coming into effect By-law #22-98 is repealed.

READ A FIRST TIME THIS 20th day of February, 2007

READ A SECOND TIME THIS 20th day of February, 2007

READ A THIRD AND FINAL TIME THIS 20th day of February, 2007

MAYOR

Chief Administrative Officer

**TOWN OF DRUMHELLER
BY-LAW NO. 04-07
SCHEDULE "A"**

**FIRE BURNING PERMIT
SECTION 8**

Drumheller Fire Department
703 2 Avenue West
Drumheller, Alberta, T0J 0Y3

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 Drumheller Fire By-law No.04-07

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) call authorized person when started & completed.**

Date: _____ **20** _____

APPROVED/REFUSED

Signature of Applicant

**DRUMHELLER FIRE DEPARTMENT
TOWN OF DRUMHELLER**

BY-LAW NO. 04-07
SCHEDULE "B"

PART I FEES AND CHARGES

- 1. Response to Fire Calls:**
- | | | | |
|-------------------------------|-----------------|----------------|---------------|
| (a) within Town of Drumheller | First Hour: | Pumper & 4 men | \$400.00 |
| | | Tanker & 2 men | \$350.00 |
| | | Rescue & 4 men | \$400.00 |
| | Additional Hrs: | Pumper & 4 men | \$400.00/hour |
| | | Tanker & 2 men | \$350.00/hour |
| | | Rescue & 4 men | \$340.00/hour |
- (b) within M. D. of Starland No. 47 As per Agreement
(c) within M. D. of Kneehill No. 48 As per Agreement
(d) mutual aid and other jurisdictions As per Town Rates (a)
- 2. Response to Motor Vehicle Accidents, Rescue, Dangerous Goods Incidents:**
\$300. per unit or such other rates as may be established by the Province of Alberta from time to time.
Additional manpower required @ \$15.00 per man/hour
- 3. False Alarms:**
- | | |
|-----------------------|------------------------------|
| (a) 1 Crew Responding | 1st incident - warning |
| | 2nd incident - \$100.00/call |
| (b) General Alarm | 1st incident - warning |
| | 2nd incident - \$250.00/call |
- 4. Requested Fire Inspections and Occupant Loads**
Reference Permit By-law 18-97.
- 5. Fire Investigations** Cost Recovery basis
Plus 15% Administration Cost

Note: Administrative costs and the cost for replacement of equipment and/or materials used, lost, or damaged as a result of the response are charged in addition to the above.

**TOWN OF DRUMHELLER
BY-LAW NO. 04-07
SCHEDULE "C"**

PART II - VOLUNTARY FINES

**TOWN OF DRUMHELLER
FIRE CONTROL TICKET**

VOLUNTARY FINE

This ticket is issued for breach of By-law No. 04-07
Section.....

OFFENCE

TO: NAME

ADDRESS

LOCATION OF OFFENSE

DATE AND TIME

PENALTY

(as specified in Section 12.2)

FIRST OFFENSE \$ _____

SECOND OR ANY SUBSEQUENT
OFFENSE \$ _____

FIRE FIGHTING COSTS \$ _____
(Schedule B-Part I)

PRESENTATION OF THIS TICKET within seven (7) days of the date of issue, together with voluntary payment of penalty, plus costs as specified herein, will be accepted in lieu of prosecution

FAILURE TO DO SO WILL RESULT IN PROSECUTION IN PROVINCIAL COURT.

PAYMENT may be made to the Treasurer of the Town of Drumheller at the Town Hall during regular office hours, or by mail.

DATE:.....

TIME.....

ISSUED BYTITLE

