

A Bylaw in the Town of Sedgewick in the Province of Alberta to Establish and Provide for the Operation of a Fire Service

WHEREAS pursuant to the Municipal Government Act, as amended, Council may pass a bylaw for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property;

AND WHEREAS the Council for the Town of Sedgewick wishes to establish a Fire Service and provide for the efficient operation of that Fire Service;

AND WHEREAS the Town of Sedgewick has been accredited by the Safety Code Council in the fire discipline under Joint Accreditation;

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

This Bylaw shall be called the Fire Services Bylaw.

Section 1. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

1. **Acceptable Fire Pit** shall mean an outdoor receptacle that meets the following specification:
 - a. A required minimum of 3 metres clearance, measured from the nearest fire pit edge to building, property line, or other combustible materials.
 - b. The fire pit height is at least 0.4 metres but does not exceed 0.6 metres when measured from the surrounding grade to the top of the pit opening;
 - c. The fire pit opening does not exceed 1 meter wide in width or diameter when measured between the widest points or the outside edges;
 - d. 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;
 - e. A spark arrester mesh screen with openings no larger than 1.25 centimetres, constructed of non-combustible material, is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks.
2. **Acceptable Fireplace** shall mean an outdoor receptacle that meets the following specifications:
 - a. A minimum of 1 metre clearance measured from the nearest fireplace edge to buildings, property lines, or combustible materials;
 - b. The fireplace is constructed of materials such as bricks, rocks, or heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;
 - c. The fireplace is equipped with chimney that is not less than 2.5 metres in height when measured from the base of the fire burning areas;
 - d. The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of air borne sparks;
 - e. The base of the fire burning area is not less than 0.3 metres above the surrounding grade;
 - f. The fire chamber does not exceed 1.25 metres in width, and is at least 0.4 metres but not more than 0.6 metres in depth.
3. **Apparatus** shall mean any vehicle operated by the Fire Department and designed to travel over land, air or water, which may be provided with machinery, devices, equipment or materials for fire fighting, and includes any vehicles used to transport fire fighters or supplies.
4. **Burnable Debris** shall mean those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment. It shall include, but not be limited to, the materials described as:
 - a. Grass and weeds;
 - b. Leaves and tree pruning;
 - c. Brush and fallen trees on newly cleared land or associated logging operations;
 - d. Used power, telegraph and telephone poles that do not contain preservatives;
 - e. Unpainted wood material from construction or demolition of buildings which does not contain wood preservatives;
 - f. Solid waste from post and pole operations that does not contain wood preservatives;
 - g. Solid waste from tree harvesting operations.
5. **Business Inspections** shall mean the compliance monitoring performed by the Fire Department to maintain conformance with Alberta Fire Code and standards under the Safety Code Act of Alberta.
6. **Bylaw Enforcement Officers** shall mean a Bylaw Enforcement Officer or his or her designate appointed by the Town of Sedgewick

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7. **Chief Administrative Officer** shall mean the Chief Administrative Officer or designate of the Town of Sedgewick.
 8. **Council** shall mean the Council of the Town of Sedgewick.
 9. **Dangerous Goods** shall mean 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 includes those products, substances and organisms covered by the Transportation of Dangerous Goods Regulations (Canada), or any successor regulation.
 10. **Equipment** shall mean any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency, or to perform any other function of the Fire Department.
 11. **Fire Chief** shall mean the Fire Chief or his or her designate of the Town of Sedgewick
 12. **Fire Department** shall mean the Town of Sedgewick Volunteer Fire Department.
 13. **Fire Protection** shall mean 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 as may be authorized by Council from time to time.
 14. **Fire Permit** shall mean approval in writing in a format approved by the Town of Sedgewick, and shall include other information as may be required by the Fire Department.
 15. **Fireworks** shall mean the fire works listed in the Explosives Regulations (Canada).
 16. **Fireworks Permit** shall mean an approved written application in the prescribed form set out by the Town of Sedgewick to sell, purchase or discharge as required, under the Alberta Fire Code 1997.
 17. **Incident** shall mean 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 the Fire Department has responded.
 18. **Member** shall mean any person that is a duly appointed member of the Fire Department, including those persons conscripted or who are asked to assist by the Fire Chief at an emergency.
 19. **Open Fire** shall mean any fire which is not an Acceptable Pit Fire, public park site fire, and which, without limiting the generality of the foregoing, shall include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, and chattel fires.
 20. **Portable Appliance** shall mean any appliance sold or constructed for the purpose of cooking in the outdoors.
 21. **Prohibited Debris** shall mean any material that, when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes of bylaws written to protect and enhance the environment, and shall include, but are not limited to, materials described as:
 - a. Animal cadavers;
 - b. Animal manure;
 - c. Pathological waste;
 - d. Non-wooden materials;
 - e. Combustible material in automobiles and automobile bodies;
 - f. Tires;
 - g. Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - h. Used oil;
 - i. Wood and wood products containing substances for the purposes of preserving wood;
 - j. Household refuse.
 22. **Public Park Site Fire** shall mean a fire on land owned or leased the Town of Sedgewick or its agents for recreational purposes and is confined to either a non-combustible container supplied, 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, coal, natural gas or propane. Such fires shall be maintained in a safe and reasonable manner and supervised at all times.
 23. **Regulated Occupancies** shall mean those businesses required to determine and to publicly post occupancy loads in accordance with the Alberta Fire Code 1997 and other regulations.
 24. **Running Fire** shall mean a fire burning without being under the control of any person.
 25. **Town** shall mean the Town of Sedgewick.

Section 2. FIRE DEPARTMENT

Council hereby authorizes the establishment of the Sedgewick Volunteer Fire Department and the carrying out of its operation in the following manner;

1. The Fire Department of the Town of Sedgewick shall consist of a Fire Chief, members, buildings, apparatus, and equipment as is deemed necessary by Council from time to time to safeguard the safety, health and welfare of people and to protect people and property.
2. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department will extend to the area and boundaries of the Town of Sedgewick, and no part of the Fire Apparatus shall be used beyond the limits of the municipality without written permission of the Fire Chief or without the express authorization of a written contract or agreement providing for the supply of the fire fighting services outside the municipal boundaries.
3. Regardless of any permission, contract or agreement in effect permitting use of Fire Apparatus beyond the limits of the municipality, as recorded in Section 2 (2) above, one Fire Apparatus shall remain within the municipal boundary of the Town of Sedgewick at all times.
4. Council shall appoint the Fire Chief.
5. Other officers and members as the Fire Chief deems necessary may be appointed to the Fire Department with the approval of Council.
6. The Fire Chief may, upon the approval of Council, purchase or otherwise acquire equipment, apparatus, materials and supplies necessary for the operation, maintenance and administration of the Fire Department.
7. The Fire Chief shall perform such functions and have such powers and responsibility as the Chief Administrative Officer may, from time to time, prescribe.
8. The Fire Chief, subject to municipal policy, shall have complete and full authority over the Fire Department, its Members, its organization, administration and discipline and is responsible for the development, of rules, regulations, committees and policies necessary for the ongoing organization and administration of the Fire Department including:
 - a. Use, care, and protection of Fire Department property; and
 - b. Efficient operations of the Fire Department
9. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Chief Administrative Officer to which the Fire Chief shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities such as Council directs including but not limited to:
 - a. Rescuer
 - b. Other incidents
 - c. Pre-fire planning
 - d. Disaster planning
 - e. Preventive patrols
10. The Fire Chief, or the Incident Commander of an incident, is empowered to cause a building, structure, or the thing to be pulled down, demolished, or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures, or objects.
11. The Fire Chief, or the Incident Commander of an incident may, at his discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
12. The Fire Chief, or the Incident Commander of an incident, is empowered to allow 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 the Fire Chief or the Incident Commander deems necessary.
13. The Fire Chief, or the Incident Commander of an incident, may request persons who are not members to assist in removing furniture, goods, and merchandise from any building on fire or in danger thereof, and in guarding and securing same, and in demolishing a building or structure at or near the fire or other incident where the Fire Chief, or the Incident Commander deems it necessary to prevent the spread of fire, or for reasons of public safety.
14. The Fire Chief, or the Incident Commander of an incident, is empowered to commandeer privately owned equipment, which he considers necessary to deal with an incident and to authorize payment for such equipment.

15. The Fire Chief, or the Incident Commander of an incident, may obtain assistance from other officials of the Town of Sedgewick, or any outside agency, as deemed necessary, in order to fulfill duties and responsibilities under this Bylaw.
16. The Fire Chief shall be authorized to approve, with or without conditions, or refuse an application for a Fire Permit or Fireworks Permit.
17. The Fire Chief may compel adults for the time being to assist in the mitigation of any incident, such conscripted members shall only be utilized in a capacity determined at the sole discretion of the Fire Chief or Incident Commander.

Section 3 **REQUIREMENT TO REPORT**

1. The owner or authorized agent of a property damaged by fire shall immediately report the particulars of the fire to the Fire Chief in a manner and form satisfactory to the Fire Chief or his designate.
2. The owner or authorized agent of any property containing a Dangerous Goods product or products that sustain accidental or unplanned release shall immediately report such spill or release to the Fire Chief in a manner and form satisfactory to the Fire Chief.

Section 4 **OPEN AIR FIRES**

1. No person shall permit an open fire or any other fire upon land owned, occupied, or under their control within the Town of Sedgewick, unless a Fire Permit has been obtained, the provisions outlined on the permit are complied with, and burnable debris is burned.
2. Notwithstanding Section 4.1, a permit shall not be required under this Bylaw to conduct;
 - a. The cooking of food using a portable appliance.
 - b. Recreational burning or the cooking of food in an acceptable fire pit or fireplace providing;
 - i. Only clean fuel is used such as natural gas, dry wood, or charcoal in the amounts which will be contained within the fire pit or fire place 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 and within reasonable distance from where the fire occurs;
 - iv. A responsible adult is present on the property when the fire is burning.
 - c. Burning in campgrounds and parks where fireplaces, stoves, and fire pits are provided or approved by the municipality.
 - d. Burning by the Fire Department for the purpose of training its members or having a controlled burn
 - e. Ground thawing fire by any utility company or municipal employee, provided that notification is made to the Fire Department.
3. No person shall discharge any fireworks within the limits of the Town of Sedgewick without first obtaining written approval from the Fire Chief.
4. Nothing in this Bylaw shall be deemed to authorize any act which is in contravention of the Environmental Protection and Enhancement Act, or any regulation made there under, and in the event of any conflict between the provisions of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulation shall govern.

Section 5 **PROCEDURE TO OBTAIN A FIRE PERMIT**

1. Any person wishing to obtain a Fire Permit must apply to the Town Office during normal business hours in accordance with the policies approved by Council.
2. Without limiting the generality of section 4.2, if a fire pit or fireplace which was built prior to October 21st, 2004 is not an acceptable fire pit or fireplace, the Fire Chief may issue a variance if satisfied that the nonconforming fire pit or fireplace can safely be used.
3. Fees for Fire Permits shall be approved in the Fees Bylaw as amended by Council, as required, from time to time.
4. A Fire Permit shall not be transferable.

5. Fire Permits issued under this Bylaw are valid for such period of times as shall be determined by the Fire Chief and the Fire Permit shall have endorsed thereon the period of time, which the said permit is valid.
6. The Fire Chief may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired. The Fire Chief may at his sole discretion, cancel or suspend any Fire Permit issued and order that any fire set under the provisions of the Fire Department be extinguished immediately.

Section 6 FEES

1. Council may set fees by resolution for any service provided by the Fire Department.
 - a. A town may recover such fees or charges as a debt due and owing to the municipality or,
 - b. In the case of action taken by the Fire Department to mitigate or respond to an emergency in respect to land and buildings within the municipality, where the fees or charges are not paid upon demand, then in default of payment, such fees or charges may be charged against the land as taxes due and owing in respect to that land.

Section 7 PROHIBITIONS

1. No person at an incident shall impede, obstruct, or hinder a member of the Fire Department or other person assisting acting under the direction of the Fire Chief or Incident Commander.
2. No person shall damage or destroy Fire Department apparatus or equipment.
3. No person shall enter the boundaries or limits of an area prescribed in accordance with section 2.10 unless he has been authorized to enter by the Fire Chief or the Incident Commander.
4. No person at an incident shall drive a vehicle over any equipment or apparatus without permission of the Fire Chief or Incident Commander.
5. No person shall obstruct a member from carrying out duties imposed by the Bylaw.
6. No person shall falsely represent himself or herself as 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 8 PENALTIES

1. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of the Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing or omits any act or thing thus violating any of the provisions of this Bylaw, shall be deemed to be guilty of an infraction of this Bylaw, and upon conviction is liable to imprisonment for a term of not more than 6 months and/or a fine of not more than \$2,500.

Section 9 INDEMNITY

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

Section 10 SEVERABILITY

If any term of this Bylaw is found to be invalid, illegal or unenforceable by a court or tribunal having jurisdiction to do so, that term is to be considered to have been severed from the rest of this Bylaw and the rest of the Bylaw remains in force unaffected by that finding or by the severance of that term.

Section 11 REPEAL OF BYLAW

Bylaw 308 is hereby repealed.

Section 12 EFFECTIVE DATE

This Bylaw shall come into effect upon third and final reading.

Read a First Time this 21st Day of October, 2004 A.D.

Read a Second Time this 21st Day of October, 2004 A.D.

Read a Third Time by unanimous consent of council and finally passed this 21st Day of October. A.D.



MAYOR DAVE DANKO



THELMA ROGERS, CAO