

**BYLAW NO. 811-11**

**BEING A BYLAW OF  
MACKENZIE COUNTY,  
IN THE PROVINCE OF ALBERTA,  
FOR THE PURPOSE OF CONTINUING TO PROVIDE  
FIRE SERVICES WITHIN MACKENZIE COUNTY**

**WHEREAS** the Municipal Government Act, RSA 2000, Chapter M-26, 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** the municipal Council of Mackenzie County has been accredited by the Safety Codes Council in its respective municipality; and

**WHEREAS**, the Council of Mackenzie County, wishes to continue providing fire services within Mackenzie County and to provide for efficient operation of such fire services;

**NOW THEREFORE**, the Council of Mackenzie County, 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      INTERPRETATION**

2.1    Where there is a conflict between this bylaw and any other bylaw pertaining to Fire Services in the Municipality, the provisions of this bylaw shall apply.

**SECTION 3      DEFINITIONS**

3.1    In this Bylaw:

- (a)    "Acceptable Fire Pit" means an outside receptacle that meets the following specifications:
  - i.     a minimum of 3 metre 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 0.6 metre 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 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;
  - v. which fire is set for the purpose of cooking, obtaining warmth or recreation; and
  - vi. such fire may not be fueled with Prohibited Debris.
- (b) "Accepted" means acceptable to the Fire Chief.
- (c) "Accredited" means accredited by the Safety Codes Council in the fire discipline under the authority of the Safety Codes Act.
- (d) "Apparatus" means any vehicle provided with machinery, devices, Equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.
- (e) "Basic Response" means the provision of Fire Apparatus with firefighters in response to fires as outlined in the current Standard Operating Guidelines (SOG).
- (f) "Bylaw Officer" means a Bylaw Enforcement Officer appointed under section 555(1) of the Municipal Government Act, R.S.A. 2000, c. M-26 and in the execution of enforcement duties, responsible for the preservation and maintenance of the public peace.
- (g) "Council" means the Council of Mackenzie County.
- (h) "CAO" means that person appointed to the position and title of Chief Administrative Officer by the municipal Council of Mackenzie County and includes any person appointed by the Chief Administrative Officer to act as his/her appointee.
- (i) "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 includes those products, substances and organisms covered by the Transportation of Dangerous Goods regulations.
- (j) "Emergency Unit" means any vehicle operated for emergency purposes by the Fire Service whether on land, water or by air.
- (k) "Equipment" means any tools, devices or material used by the Fire Service to combat an incident or other emergency.

- (l) "False Alarm" means any fire alarm that is set out needlessly, through willful or accidental, human or mechanical error, and to which the Fire Service responds.
- (m) "Fire Chief" means the person appointed by Council as head of either Zama, Fort Vermilion or La Crete fire districts.
- (n) "Fire Ground Commander" means the highest ranking member on the scene of a fire, rescue, Incident, or emergency.
- (o) "Fire Permit" is the written authority for burning in the Hamlets of the Municipality issued pursuant to this bylaw.
- (p) "Fire Permit Application" is the application form for burning in the Hamlets of the Municipality pursuant to this bylaw.
- (q) "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, and any other response to an Incident authorized by Council to respond to from time to time.
- (r) "Fire Service" means Fire Services as established and organized for the Municipality pursuant to the provisions of this Bylaw consisting of, among other things, all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the operation, training, maintenance and administration of the Fire Service, including all fire stations.
- (s) "Fire Works" means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subsection 1 and 2 in Section 14 of the Explosives Regulations (Canada) and Section 5.8 of the Alberta Fire Code;
- (t) "Hamlet" shall mean the area within the Hamlet boundaries of Fort Vermilion, La Crete or Zama as declared by bylaw.
- (u) "He" shall mean either person of the male or female gender.
- (v) "Highway" has the same meaning as defined in the *Highway Traffic Act* of Alberta.
- (w) "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 to which the Fire Service may respond.

- (x) "Incinerator Fire" means a fire that is confined within 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 7 millimeters 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.
- (y) "Member" means any person who is a duly appointed Member of the Fire Service including persons whom the Fire Ground Commander or his designate appoints as Members at the scene of an Incident.
- (z) "MGA" means Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto.
- (aa) "Municipality" means Mackenzie County.
- (bb) "Open Fire" shall mean any Fire which is not an Incinerator Fire, 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, ground thawing fires and chattel fires.
- (cc) "Peace Officer" means a Bylaw Enforcement Officer, a Special constable, a Municipal Police Officer, a member of the Royal Canadian Mounted Police, or any other person appointed by Council to enforce the provisions of this Bylaw.
- (dd) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors.
- (ee) "Prohibited Debris" means any material that when burned, will result in the release to atmosphere dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but not be limited to materials described as:
  - i. animal cadavers;
  - ii. animal manure;
  - iii. chemicals and chemical containers;
  - iv. combustible material in automobile bodies;
  - v. combustible material in automobiles;
  - vi. household refuse;
  - vii. non-wooden material;
  - viii. paints and painting materials;
  - ix. pathological waste;

- x. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
  - xi. tires;
  - xii. toxic substances;
  - xiii. used oil; or
  - xiv. wood or wood products containing substances for the purpose of preserving wood.
- (ff) "Public Park Site Fire" means a fire on land owned or leased by the Municipality or its agents for recreational purposes and is confined to a non-combustible container supplied by the Municipality, as approved by a Fire Member, 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.
- (gg) "Running Fire" means a fire burning without being under the proper control of any person.
- (hh) "Safety Codes Officer" means any member certified by the Safety Codes Council of Alberta as a Safety Codes Officer for the Fire Discipline and given a Designation of Powers pursuant to the Safety Codes Act.
- (ii) "SOG" means Standard Operating Guidelines.
- (jj) "Structure Fire" means a fire confined to and within any building, structure, machine, vehicle, or contents thereof and which will or may cause the destruction of or damage to the said building, structure, machine, vehicle, or the contents thereof or surrounding area, but excluding an incinerator fire.
- (kk) "Support Activities" means those tasks that are conducted in support of Members and which are not carried out in a hazardous area and do not require specialized training or protective clothing.
- (ll) "Violation Ticket" means a ticket or similar document issued by the Municipality pursuant to the Municipal Government Act, Municipal Government Act, R.S.A. 2000, c. M - 26

#### **SECTION 4      JURISDICTION**

- 4.1 The Municipality may be divided into Fire Service areas with fire departments so located as deemed necessary by Council for the proper control and prevention of fires and other emergencies.

- 4.2 The Council may enter into a contract for the provision of Fire Services from another municipality.
- 4.3 The limits of the jurisdiction of the Fire Chief, and the officers and Members of the Fire Service will extend to the area and boundaries of the Municipality, and no part of the Apparatus shall be used beyond the limits of the Municipality without the express authorization of a written contract or agreement providing for the supply of Fire Services outside the municipal boundaries, unless permission has been granted by the CAO or designate.

## **SECTION 5      ORGANIZATION AND ADMINISTRATION**

- 5.1 For purposes of administering this Bylaw, the Chief Administrative Officer (CAO) of the County may delegate the powers under this Bylaw to an employee(s) of the County.
- 5.2 The Fire Service for the Municipality shall consist of the CAO, Fire Chiefs, Members, Buildings, Apparatus, and Equipment as deemed necessary by Council to safeguard the safety, health and welfare of people and protect people and property.
- 5.3 The Fire Chief and Deputy Chief shall be appointed by Council for each Fire Service upon recommendation of the CAO, and from the Members of the Fire Service for a two year term.
- 5.4 The Fire Chief shall be responsible to and report on a regular basis to the CAO.
- 5.5 The Fire Service shall comply with any and all policies established by Council pertaining to the Fire Service.
- 5.6 The Fire Service shall be equipped with apparatus and equipment as approved within the annual operating and capital budgets as approved by Council.

**SECTION 6      FIRE SERVICE**

6.1    The Council does hereby establish a Fire Service, 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 and medical emergency response;
- (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;
- (i)    enforcing the provisions of the Safety Codes Act and its regulations; and
- (j)    other services as directed by Council.

6.2    The priority of goals in the suppression of fire shall be as follows:

- (a)    Preservation of human life shall be the primary responsibility during fires and other emergencies.
- (b)    Limit the spread of the fire,
- (c)    Extinguish the fire,
- (d)    Minimize property damage from fire-related hazards.

**SECTION 7      FIRE GUARDIANS**

7.1 Each year before the first of April, Council shall appoint a sufficient number of Fire Guardians to enforce the provisions of the *Forest and Prairie Protection Act* (supra) and this Bylaw within the boundaries of Mackenzie County.

**SECTION 8      POWERS OF FIRE GUARDIANS**

8.1 Unless otherwise limited by the Fire Chief, each Fire Guardian shall have the authority and power to:

- (a) issue a Fire Permit in respect of any land with Mackenzie County;
- (b) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian considers appropriate;
- (c) may suspend or cancel at any time a Fire Permit and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his or her permit;
- (d) enforce the provisions of the *Forest and Prairie Protection Act* (supra) and this Bylaw within the boundaries of Mackenzie County;
- (e) refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.

**SECTION 9      THE FIRE CHIEF**

9.1 The Fire Chief has responsibility over the Fire Service subject to the direction of and collaboration with the CAO.

9.2 The Fire Chief shall prescribe rules, regulations and policies for the ongoing organization and administration of the Fire Service including but not limited to:

- (a) the use, care and protection of Fire Service property;
- (b) the appointment, recruitment, conduct, discipline, duties, and responsibilities of the Members;
- (c) the efficient operation of the Fire Service;
- (d) ongoing training requirements

- (e) ensuring only trained persons are engaged in applicable fire suppression duties.
- 9.3 Regulations, rules or policies, made pursuant to subsection 9.2 of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 9.4 The Fire Chief shall develop and propose changes to existing Standard Operating Guidelines as required.
- 9.5 The Standard Operating Guidelines do not come into force until the CAO has accepted them.

## **SECTION 10     STANDARDS APPLYING TO ALL MEMBERS**

- 10.1 All members of the Fire Services located throughout the Municipality, by way of Standard Operating Guidelines, shall be kept informed of, and comply with, expectations for attendance, punctuality; duty performance; compliance with laws, rule, regulations, and procedures; and professional behavior that contribute to the maintenance of a positive work environment.
- 10.2 Any changes to the Standard Operating Guidelines must be relayed to all members of the fire service. A written record that all personnel have been advised must be forwarded to the CAO, who will ensure it is kept on record.

## **SECTION 11     PROHIBITIONS**

- 11.1 No person shall:
- (a) enter the boundaries or limits of an area prescribed unless he/she has been authorized to enter by the Fire Ground Commander.
  - (b) impede, obstruct or hinder a member of the Fire Service or other person assisting or acting under the direction of the Fire Ground Commander.
  - (c) falsely represent himself as a Fire Service member, or wear or display any Fire Service badge, cap, button, insignia or other paraphernalia for the purpose of false representation.
  - (d) obstruct or otherwise interfere with access roads or streets or other approaches to any incident, fire alarm, fire hydrant, cistern or body of water designated for firefighting purpose or any connections provided to a fire main, stand pipe, sprinkler system, cistern or other body of water designated for firefighting purposes.

- (e) light a Pit Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
- (f) light a Pit Fire when the weather conditions are conducive to creating a Running Fire;
- (g) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his own;
- (h) deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire;
- (i) conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring;
- (j) interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property;
- (k) interfere with the operation of any of the Fire Service equipment or apparatus required to extinguish fires or preserve life or property;
- (l) damage or destroy the Fire Service property;
- (m) engage in Open Fire burning in the Hamlets of the Municipality.
- (n) burn contrary to the conditions within a Fire Permit issued in accordance with this Bylaw.

## **SECTION 12 FIRE PERMIT**

- 12.1 This section is only applicable within the Hamlet boundaries located within the Municipality.
- 12.2 No person shall ignite, fuel, supervise, maintain or permit any type of fire upon land owned or occupied by him or under his control within the Hamlets of the Municipality except when he is the holder of a subsisting Fire Permit issued pursuant to this Bylaw, unless:
- (a) the fire has been set by the Fire Service for the purpose of training its members,

- (b) the fire is a Public Park Site fire, which has an approved permit for all fire pits, or
  - (c) the fire has otherwise been authorized by the Fire Service.
- 12.3 When a fire is lit under the circumstances described in subsection 12.2 when such fire is not permitted pursuant to this Bylaw the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
  - (a) extinguish the fire immediately; or
  - (b) where he is unable to extinguish the fire immediately, report the fire to the Fire Service.
- 12.4 No person shall, either directly or indirectly personally or through an agent, or employee kindle a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- 12.5 Any person wishing to obtain a Fire Permit for a Fire Pit must complete a Fire Permit Application with the Municipality through the Fire Service pursuant to this bylaw.
- 12.6 Upon receipt of a proper completed Fire Permit Application with the Municipality through the Fire Service the Fire Chief shall consider the Fire Permit Application, and may, in his discretion:
  - (a) grant a Fire Permit upon such terms and conditions as the Fire Service deems appropriate, or
  - (b) refuse to grant a Fire Permit.
- 12.7 A Fire Permit shall not be transferable.
- 12.8 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief and the Fire Permit shall have endorsed therein the period of time for which the said Permit is valid.
- 12.9 The Fire Chief may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.
- 12.10 The Fire Chief may, terminate, suspend or cancel a Fire Permit if the conditions surrounding the original issuance change.
- 12.11 Each application for a Fire Permit must contain the following information:

- (a) the name and address of the applicant;
- (b) the legal and civic description of the land on which the applicant proposes to set a fire;
- (c) the type and description of Fire Pit construction proposed to be used;
- (d) the signature of the applicant;
- (e) the signature of the property owner or authorized agent of the owner.

12.12 No person shall provide false, incomplete or misleading information to the Municipality or to the Fire Service on or with respect to the Fire Permit Application.

### **SECTION 13     CONTROL OF FIRE HAZARDS**

13.1 This section is only applicable within Hamlet boundaries of the Municipality.

13.2 If Council finds within the Hamlet boundaries on privately owned land or occupied public land conditions that in its opinion constitutes a fire hazard, it 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 Council.

13.3 When Council finds that the order it made pursuant to subsection 13.2 has not been carried out, it may enter on the land with any equipment and any persons it considers necessary and may perform the work required to eliminate or reduce the fire hazard.

13.4 The Owner or the person in control of the land on which work was performed pursuant to subsection 13.2 shall on demand reimburse the Municipality for the cost of the work performed. In default of payment the Municipality may place a lien for the amount against the land and improvements on it.

**SECTION 14     REQUIREMENT TO REPORT**

- 14.1 The Owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Service particulars of the fires which are satisfactory to the Fire Chief and the CAO.
- 14.2 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 Service particulars of the release which are satisfactory to the Fire Chief and the CAO.

**SECTION 15     RECOVERY OF COSTS**

- 15.1 Where the Fire Service has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or Incident within or outside the Municipality for the purpose of preserving life or property from injury, destruction by fire or other Incident within or outside the Municipality, including any such action taken by the Fire Service on a False Alarm, the Municipality shall, in respect of any costs incurred by the Municipality in taking such action, charge any costs incurred by the Municipality:
- (a) to the person who caused the Incident;
  - (b) the owner of the land or in possession where the Incident occurred; or
  - (c) the owner of property where the person in possession and control of property which is the situate of the Incident if not located on privately owned land.
  - (d) Emergency response units responding to an incident but not utilized to rectify the emergency shall not be charged for, subject to the minimum charge as identified in the Mackenzie County Fee Schedule Bylaw.
- 15.2 Where the Fire Services has provided services for the purpose of, but not be limited to:
- (a) occupant load determination,
  - (b) fire inspections,
  - (c) fire investigations, and
  - (d) fire permits,

- (e) the Municipality shall, in respect of costs incurred by providing the service, charge such fees as set out in Schedule "A" attached to and forming part of this Bylaw, and such fees shall be due and payable upon receipt of such services.
- 15.3 The schedule of costs and fees to be charged by the Municipality for services rendered pursuant to this Bylaw shall be set out in Schedule "A" attached to and forming part of this Bylaw.
- (a) The fees and charges set out in schedule "A" may be amended by Council as determined from time to time when deemed necessary.
- 15.4 In respect of the costs or fees described in subsections 15.1, 15.2 and 15.3.
- (a) the Municipality shall recover such cost or fee as a debt due and owing to the Municipality; or
  - (b) in the case of action taken by the Fire Service in respect to land within the Municipality, where the cost or fee is not paid upon demand by the Municipality, then in default of payment, such cost or fee shall be charged against the land as taxes due and owing in respect of that land, or
  - (c) in the case of action taken by the Fire Service in respect to Incidents involving motor vehicles the municipality shall take any collection action it deems necessary if the amount levied by the municipality is not paid within sixty (60) days after the mailing of an invoice by the municipality, or in the event of an appeal, sixty (60) days of the date of mailing of the decision of Council on the appeal.

## **SECTION 16 FEE RATES FOR FIRE SERVICES**

- 16.1 Fees pursuant to this Bylaw shall be paid in accordance with the Mackenzie County Fee Schedule Bylaw.

## **SECTION 17 OFFENCES AND PENALTIES**

- 17.1 Penalties shall be applicable as per the Mackenzie County Fee Schedule Bylaw in place at the time of the offence.
- 17.2 A Peace Officer who finds a person violating or who has reasonable and probable grounds to believe that a person has violated any provisions of this Bylaw may give a written notice of intention to prosecute, in the form of a Part Two Provincial Violation Ticket, setting forth the date, time, and place of the offence, briefly indicating the nature of the offence.

17.3 The Court convicting a person of a violation of this Bylaw may order that in default of payment of a fine imposed on such conviction, the defendant shall be imprisoned for a period of not more than six months.

**SECTION 18 VIOLATION TICKET**

18.1 A Peace Officer may issue a Violation Ticket as specified in the Mackenzie County Fee Schedule Bylaw.

**SECTION 19 SEVERABILITY**

19.1 Should any section or part of this bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded severable from the rest of the bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

**SECTION 20 REPEAL**

20.1 This bylaw shall repeal Bylaw 684-08.

20.2 This bylaw comes into force at the beginning of the day of third and final reading thereof.

First Reading given on the 12<sup>th</sup> day of April, 2011

Second Reading given on the 28<sup>th</sup> day of April, 2011

Third Reading and Assent given on the 28<sup>th</sup> day of April, 2011

(original signed)

\_\_\_\_\_  
Bill Neufeld  
Reeve

(original signed)

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Roy Brideau  
Chief Administrative Officer