



TOWN OF BOW ISLAND
BYLAW NO. 2024:02
FIRE PROTECTION SERVICES BYLAW

BEING A BYLAW OF THE TOWN OF BOW ISLAND IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF THE ESTABLISHMENT AND OPERATION OF A VOLUNTEER FIRE DEPARTMENT AND FOR THE PROTECTION AND PRESERVATION OF LIFE AND PROPERTY WITHIN THE TOWN OF BOW ISLAND.

WHEREAS pursuant to section 7 of the *Municipal Government Act* being RSA 2000 Chapter M-26, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Council wishes to establish volunteer fire protection services within the Town of Bow Island and to provide for the efficient operation of such fire protection services department;

AND WHEREAS the Council of the Town of Bow Island has adopted a Level of Service for the provision of fire services within the Town;

AND WHEREAS Council deems it necessary to regulate the use and setting of fires within the Town of Bow Island;

NOW THEREFORE, the Council of the Town of Bow Island pursuant to that authority conferred upon it by the laws of the Province of Alberta enacts as follows:

1. NAME OF BYLAW

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

2. DEFINITIONS

- a.) "Civic Number" shall mean the appointed civic designation number for an individual dwelling, building, shop, or any other structure with a street address within the Town of Bow Island.
- b.) "Deputy Fire Chief" shall mean the Deputy Chief of the Bow Island Fire Department, authorized to act as Fire Chief in the Fire Chief's absence.
- c.) "Enforcement Officer" shall mean a Bylaw Enforcement Officer, Peace Officer, Special Constable, and a member of the Royal Canadian Mounted Police or any other person so authorized to act on behalf of the Council of the Town of Bow Island.
- d.) "False Alarm" shall mean any fire alarm or security system alarm that is activated through wilful, neglectful, accidental, human or mechanical error and causes the Fire Department to respond to a fire or emergency which in fact is not in existence.
- e.) "Fire Ban" shall mean the prohibition of the lighting of fires in the Town.
- f.) "Fire Chief" shall mean the person appointed to act as the Chief of the Bow Island Fire Department.
- g.) "Fire Containing Device" means any type of receptacle used for recreational fires within the residential zones in the Town of Bow Island.
- h.) "Fire Department" shall mean the department established and maintained by the Town of Bow Island Fire Department for the purpose of providing Fire Protection and Emergency Response Services.
- i.) "Fire Hazard" shall mean any condition, circumstance or event that increases the possibility and/or probability of fire occurrence.



- j.) "Level of Service" shall mean the extent of fire protection and emergency response services to be provided by the Bow Island Fire Department to the Town of Bow Island as determined from time to time by Council and which may include the following:
- i) preventing and extinguishing fires;
 - ii) investigating the cause of fires
 - iii) preserving life and property and protecting persons and property from injury or destruction by fire;
 - a) providing rescue services;
 - b) preventing, combating and controlling incidents;
 - iv) carrying out preventable patrols, pre-fire planning and fire inspections
 - v) entering into agreements with other Municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
 - vi) purchasing and operating apparatus and equipment in accordance with municipal policy for extinguishing fires or preserving life and property;
 - vii) enforcing the provisions of the Safety Codes Act RSA 2000 Chapter S-1 and amendments thereto.
- k.) "Permit" shall mean the written authority of the Fire Chief or Deputy Fire Chief or Enforcement Officer issued pursuant to this bylaw.
- l.) "Recreational Fire" shall mean a fire contained within a fire containing device (BBQ, outdoor fireplace or fire pit) which is set for the purpose of cooking, obtaining warmth or viewing for pleasure and may only be fuelled with seasoned wood, charcoal, natural gas or propane.
- m.) "Restricted Fires" means any fire which is not recreational as defined in this bylaw, which may include a provincial or municipal enacted fire ban.
- n.) "Violation Tag" shall mean a tag or similar document issued pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, and any regulations there under.
- o.) "Violation Ticket" shall mean a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, as amended or repealed and replaced from time to time, and any regulations there under.

3. FIRE SERVICE ESTABLISHED

- 3.1 The Council of the Town of Bow Island hereby establishes a Fire Service for the Town of Bow Island.
- 3.2 The Town of Bow Island Council may establish from time to time by bylaw a level of fire service to establish the extent of fire protection and emergency response services to be provided by the Town of Bow Island Fire Department to the Town of Bow Island.
- 3.3 Where the Fire Department, acting in accordance with its operating policies, has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within the Town or for purpose of preserving life or property from injury or destruction by fire or other incident on land within the Town, Council may, in respect of any costs incurred by the Town if Council deems the cost of such actions to be extraordinary, charge all or a portion of said costs to the owner or occupant of the land in respect of which the action was taken.
- 3.4 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within the Town, where the property owner or occupant has set a fire without obtaining the necessary permits, Council may charge all or portion of costs of such actions.

3.5 In respect to the cost or fee described in Section 3.3 and 3.4:

- i) In the case of action taken by Council 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 taxes due and owing in respect of that land;
- ii) Incurring costs are determined as per the *Alberta Transportation Guidelines for Payment of Fire Department Emergency Response in Provincial Highway Right of Ways*, and as per the *Alberta Transportation TABLE 1 Rates* as amended from time to time.

3.6 In the event that the owner or occupant of any land within the Town shall feel aggrieved by any action by Council pursuant to Section (3.3 - 3.5) of the Bylaw, such owner shall have a period of 30 days from the date of mailing of notice of action taken by Council, to appeal to Council against the action taken by Council. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and not subject to any further appeal;

4. PROHIBITIONS

4.1 No person shall burn garbage, waste material, or any other flammable material within the Town unless a written permit from the Fire Chief or Deputy Fire Chief or Enforcement Officer has been obtained. The person issuing the permit may:

- a) issue a fire permit to a person 18 years of age or older;
- b) Issue a fire permit in respect of any land within the municipal boundaries of the Town of Bow Island;
- c) Issue a fire permit unconditionally or impose conditions upon the applicant which he considers appropriate;
- d) 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;
- e) Reject applicant's request for fire permit if applicant's request does not comply with this Bylaw or safety standards;
- f) Direct the operations in respect of any fire permit issued;

4.2 No person, being the owner of a property or the person in lawful possession of a property shall allow any combustible material to accumulate on said property, unless placed in a covered metal receptacle or in a fire proof room provided with fire doors;

4.3 No person, being the owner of a property or the person in lawful possession of a property shall allow any combustible material to accumulate or be stored within one hundred (100) feet of any building, structure or automobile;

4.4 The following is the list of debris which is prohibited from being burned at any time, within the town:

- a.) animal carcasses or animal manure;
- b.) pathological waste;
- c.) wood or wood products, or railway ties or any other material treated with creosote and/or pentachlorophenol or any other wood preservatives;
- d.) automobile bodies or parts;
- e.) tires of any type;
- f.) rubber (incl. tires) or plastic (incl. baler twine);
- g.) plastic or rubber coated materials including copper wire;
- h.) oils of any nature or type;
- i.) non-wood waste from construction work and/or sites;
- j.) residential or industrial chemicals and paints; or
- k.) residential waste;
- l.) Leaves or yard maintenance items of which are compostable materials.

- 4.5 Due to the nature of some businesses no person shall allow the burning of any material whatsoever in a commercial district or establishment unless a written permit has been obtained from the Fire Chief or Deputy Fire Chief or Enforcement Officer.
- 4.6 No person shall allow any residential waste to be burned within the boundaries of the town for any reason whatsoever.
- 4.7 Notwithstanding subsection 4.5, a person whose property is not in a commercial district may have a fire containing device at their residence for their personal enjoyment as long as:
- a.) it is positioned in the back yard only, not a front or side yard location.
 - b.) it is positioned at least 3 metres (10 ft.) from any property line, house, garage, fence, deck, shed or any other temporary or permanent structures (i.e. benches, play structure, etc.)
 - c.) it is positioned at least 3 meters (10 feet) from any trees, branches, shrubs, plants or other materials that may catch fire.
 - d.) It is positioned at least 1 m (3.3 ft.) from a gas line. To obtain the location of your gas lines under your property, contact Utility Safety Partners (formerly Alberta One Call) or call 1-800-242-3447. This is a free service.
 - e.) Distance requirements apply to both horizontal and vertical directions.
 - f.) A fire containing device must be constructed and designed as follows:
 - The base of any in-ground fire pit must consist of sand, gravel or concrete.
 - The fire must be enclosed in a fire container made of rock, concrete block, metal or cured and fired ceramic/clay.
 - The fire container must have an inside measurement no larger than 90 cm (3 feet) in diameter or linear length.
 - The fire container must be at least 45 cm (1.5 feet) in height.
 - g.) it complies with all fire code regulations or approved by the Fire Chief;
 - h.) a water source must be readily available to extinguish said fire (no more than 9m or 29.5 ft from fire containing device; and
 - i.) no provincial or municipal fire bans are in effect.
- 4.8 Nothing in this bylaw shall prevent the fire department or public works department, under direction of the Fire Chief, Deputy Fire Chief or Captain, from burning any combustible materials anywhere within the Town. Public use recreational areas such as Centennial Park, Multiplex, and the campground are permitted to have fires within their existing receptacles and during special events, as controlled by authorized appointment and requirement.
- 4.9 No person shall obstruct a bylaw or Peace officer or fire service member in the lawful execution of his duties to enforce the provisions of this bylaw;
- 4.10 No person, being the owner of a property or the person in lawful possession of a property shall allow false alarm(s) to occur for which the Bow Island Fire department or RCMP member is requested to attend. A false alarm may be fabricated or mechanical negligence which causes emergency services to respond to any call deemed false or fabricated.
- 4.11 If a false alarm at a property has occurred, a WARNING will be issued for the first call out. Second false alarms call out and all subsequent false calls will result in a penalty amount



(specified in this bylaw) issued to the property owner. These penalty amounts are based on calendar year infractions, however will also be subject to the Fire Chief and/or Bylaw or Peace Officer's discretion.

5. PROPERTY IDENTIFICATION

- 5.1 All properties must be clearly marked with its civic address number for identification purposes in the event of an emergency.
- 5.2 A number shall be allotted for each new building when a building permit is issued.
- 5.3 Property owners shall be responsible for displaying the number of the building in a location which is visible and legible from the sidewalk or roadway. The number shall not be obstructed by trees, shrubs or ornaments. Numbers may be constructed by various materials, however must be legible and not blend in with the houses or building's exterior.

6. ENFORCEMENT

- 6.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this bylaw.
- 6.2 Where a Bylaw or Peace Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Bylaw or Peace Officer may commence enforcement against such person by issuing a written order to the person giving a specified time to remedy the violation.
- 6.3 Where a Bylaw or Peace Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Bylaw or Peace Officer may commence enforcement against such person by issuing a Municipal Violation Tag in such form as prescribed from time to time by the Bylaw or Peace Officer of the municipality.
- 6.4 Where a Bylaw or Peace Officer has reasonable grounds to believe that a person has violated any provision of this bylaw and the Bylaw or Peace Officer has issued a Municipal Violation Tag pursuant to section 6.3 and that the voluntary penalty has gone unpaid in excess of twenty-one (21) days, or if the Bylaw or Peace Officer feels it to be in the best interest of the Town for the person to appear before a Provincial Court Judge, he may commence court proceedings against such person by:
 - a.) Issuing the person, a Violation Ticket pursuant to the provision of Part 2 of the Provincial Offences Procedure Act; or
 - b.) Swearing out an Information and Complaint against the person.
- 6.5 Where a Bylaw or Peace Officer issues a Violation Ticket in accordance with section 6.3 of this bylaw, the Officer may either:
 - a.) Require the person to pay the specified penalty as provided for the offence in schedule "A" of this bylaw by including such specified penalty in the Violation Ticket, or
 - b.) Require a Court appearance of the person where the Bylaw or Peace Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*
- 6.6 No provision of this bylaw or any action taken pursuant to any provision of this bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a Property provided by the *Municipal Government Act*, or any other law of the Province of Alberta.
- 6.7 Notwithstanding whether a Violation Ticket has been issued under this section, any Owner or Occupier who contravenes this bylaw may be issued an order by a Bylaw or Peace Officer to



remedy the contravention in any manner deemed necessary under the circumstance pursuant to section 545 or section 546 of the *Municipal Government Act* without first laying a charge for the offence.

- 6.8 For an offence of continuing nature a second and subsequent offence will be deemed to have been committed for each day the offence goes un-remedied as long as only one violation ticket is issued per 24-hour period.
- 6.9 Any person who contravenes any provision of this bylaw is guilty of an offence and liable upon summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not exceeding Ten Thousand Dollars (\$10,000) or in default of payment to imprisonment for a period not exceeding six (6) months.

7. GENDER

In this bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female as applicable.

8. REPEAL OF BYLAWS

Bylaw Number #2019:06 is hereby repealed in its entirety.

READ a first time in open council this 18th day of March, 2024,

READ a second time in open council this 8th day of April, 2024,

READ a third and final time in open council this 8th day of April, 2024.


MAYOR


CHIEF ADMINISTRATIVE OFFICER



SCHEDULE "A"
BYLAW NO: 2024:02

Penalties

Section	Offence	1 st Offence Penalty	2 nd Offence within (1) Calendar year	3 rd Offence within (1) Calendar year
4.1	Burning garbage, waste material or any other flammable material w/o permit	Warning	\$200.00	\$500.00
4.2	Accumulation of combustible material	Warning	\$ 200.00	\$ 500.00
4.3	Improper storage of combustible material	Warning	\$ 200.00	\$ 500.00
4.4	Burning prohibited material	\$200.00	\$ 200.00	\$ 500.00
4.5	Burning in commercial district	Warning	\$ 200.00	\$ 500.00
4.7	Use of an unauthorized fire pit or acting against a fire ban	\$100.00	\$ 200.00	\$ 500.00
4.9	Obstruction of a Peace Officer, Bylaw Officer, or Fire Service Member	\$500.00	\$ 1000.00	\$ 1500.00
4.10	False Alarm	Warning	\$ 200.00	\$ 500.00
5.1	Failing to display civic address number	\$50.00	\$100.00	\$150.00

Handwritten initials/signatures