

**BYLAW NO. 826-25  
TOWN OF ONOWAY**

**Being a Bylaw of the Town of Onoway to establish Fire Services, to regulate the prevention and control of fires, to regulate fireworks, and to authorize the recovery of fire related fees, expenses, and charges**

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WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended, authorizes a council to pass bylaws for municipal purposes respecting the following matters:

- A. The safety, health, and welfare of people and the protection of people and property;
- B. Services provided by or on behalf of the municipality; and
- C. The enforcement of bylaws;

**AND WHEREAS** the *Municipal Government Act*, RSA 2000, c M-26, as amended, further provides that a municipality may provide for a system of licenses, permits, or approvals,

**AND WHEREAS** the *Municipal Government Act*, RSA 2000, c M-26, as amended, provides that a Council may, pursuant to a bylaw, make the owner of a parcel of land liable for the costs and expenses incurred by the municipality in extinguishing fires, and add unpaid costs and expenses for extinguishing fires to the tax roll for that parcel of land;

**AND WHEREAS** the Council of the Town of Onoway wishes to establish fire services within the Town of Onoway and for the efficient operation of such services;

**NOW THEREFORE** the Municipal Council of the Town of Onoway, duly assembled, hereby **ENACTS AS FOLLOWS:**

**PART 1 NAME OF BYLAW**

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

**PART 2 DEFINITIONS**

2.1 In this bylaw, unless the context otherwise requires:

- (a) "Acceptable Burn Barrel" means an outdoor receptacle that meets the following specifications:
  - (i) a minimum of three (3.00) meters' clearance is maintained from any building, property line, or other combustible materials when measured from the nearest edge of the Burn Barrel;
  - (ii) is equipped with an expanded metal spark arrestor mesh screen with opening no larger than six (6.00) mm, secured in place with latches or weights;
  - (iii) is constructed of non-combustible material;
  - (iv) is not located over underground utility services or under aboveground wires;
  - (v) is supervised at all times by a responsible person until such time as the Fire in the Burn Barrel has been fully extinguished. For certainty, a Fire shall be deemed to include hot ashes and smoldering embers resulting from the Fire; and

- (vi) is used only to burn Burnable Debris and is not used to burn Prohibited Debris.
- (b) "Acceptable Fireplace" means an outdoor receptacle that meets the following specifications:
  - (i) a minimum of one (1.00) meter clearance is maintained from any building, property line, or other combustible materials when measured from the nearest edge of the fireplace;
  - (ii) is constructed of materials such as bricks, concrete, or rocks, that are non-combustible;
  - (iii) is equipped with a chimney that is not less than 2.50 meters in height when measured from the base of the fire burning area;
  - (iv) the chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - (v) the base of the Fire burning area is not less than 0.30 meters above the surrounding grade; and
  - (vi) the fire chamber does not exceed 1.25 meters in width and is at least 0.40 meters, but not more than 0.60 meters, in depth.
- (c) "Acceptable Fire Pit" means an outdoor receptacle (fire/barbeque pit) that meets the following specifications:
  - (i) a minimum of three (3.00) meters' clearance is maintained from any building, property line, or other combustible material when measured from the nearest edge of the fire pit;
  - (ii) the fire pit is placed on non-combustible materials such as rock, sand, mineral soil, gravel, or concrete and the ground surrounding it outward from its base to a distance of three (3.00) meters be comprised of clean mineral soil, rock, sand, gravel, or concrete;
  - (iii) the fire pit is constructed of bricks, concrete blocks, heavy gauge metal, or other suitable non-combustible materials components;
  - (iv) a spark arrestor mesh screen with openings no larger than six (6.00) mm that is constructed of expanded metal (or equivalent material) is used to cover the fire pit opening in a manner sufficient to contain sparks over the fire at all times;
  - (v) is supervised at all times by a responsible person until such time as the Fire been fully extinguished. For certainty, a Fire shall be deemed to include hot ashes and smoldering embers resulting from the Fire;
  - (vi) is not located over any underground utilities or under above-ground wires;
  - (vii) shall only burn wood, charcoal briquettes, propane or natural gas as fuel; and
  - (viii) shall have a flame height that does not exceed 0.90 meters above the fire pit.
- (d) "Act" means the *Municipal Government Act*, R.S.A. 2000, c M-26.

- (e) "Alberta Fire Code" means the most current version of the fire safety regulations adopted by the Province of Alberta under the *Safety Codes Act*, RSA 2000, c S-1.
- (f) "Apparatus" means any vehicle provided with machinery or Equipment for firefighting operated by or for the Fire Department, whether that vehicle operates on land, in the air, or on water.
- (g) "Burn Barrel" means a metal drum or other similar receptacle transformed and modified to dispose of combustible trash, waste, and other materials by incineration.
- (h) "Burnable Debris" has the meaning defined in the Substance Release Regulation 124/1993 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (i) "Burning Hazard" means an actual or potential occurrence of Fire or other combustion of organic or inorganic material that could endanger human life or damage property.
- (j) "CAO" means the Chief Administrative Officer of the Town, or their delegate.
- (k) "Council" means the duly elected municipal council for the Town.
- (l) "CSA" means Canadian Standards Association.
- (m) "Dangerous Goods" has the meaning defined in the *Dangerous Goods Transportation and Handling Act*, RSA 2000, c D-4 except that it shall not include gasoline or diesel for residential use in quantities in accordance with the National Fire Code – Alberta Edition under the *Safety Codes Act*, RSA 2000, c S-1.
- (n) "Enforcement Officer" means any of the following:
  - (i) a bylaw enforcement officer appointed or employed or otherwise contracted by the Town;
  - (ii) a Community Peace Officer appointed or employed or otherwise contracted by the Town; or
  - (iii) a member of the Royal Canadian Mounted Police.
- (o) "Equipment" means any tools, devices, materials, or supplies used by or for the Fire Department to respond to an Incident or other emergency.
- (p) "False Alarm" means any notification, by whatever means received, to the Fire Department respecting the existence of a condition, circumstance, Fire, Burning Hazard, Fire Hazard, or other event containing an imminent, serious danger to Persons or property, where such condition, circumstance, Fire, or other event does not, in fact, exist.
- (q) "Fire" means combustion or burning, in which substances chemically combine with oxygen from the air and typically give out bright light, heat, and Smoke.
- (r) "Fire Ban" means any Fire ban, whether municipally or provincially declared, that prohibits Fires in all, or part, of the Town.
- (s) "Fire Chief" means the Person designated by the Town as the Fire Chief, or their delegate.

- (t) "Fire Department" means the entity established by section 3 of this bylaw, whether by contracting Fire Services from another municipality or other service provider, and includes any Member of such Fire Department.
- (u) "Fire Department Property" means all real and personal property owned or controlled by the Fire Department and designated for use by the Fire Department including, but not limited to, Apparatus and Equipment.
- (v) "Fire Hazard" means combustible material that, through its nature, location, or condition, or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard.
- (w) "Fire Permit" means a permit issued by the Fire Chief pursuant to this bylaw authorizing the setting of a specific type of Fire within the Town.
- (x) "Fire Restriction" means an order issued pursuant to this bylaw for the purposes of Fire prevention and where Fire Permits may be restricted, suspended, or cancelled for the duration, or other scope of, the Fire Restriction.
- (y) "Fire Services" means any and all of the services enumerated in section 3 of this bylaw and includes any other service delivered by or for the Fire Department that is authorized by Council.
- (z) "Fire Service Charges" means:
  - (i) all rates, fees, costs, and charges payable for, or in connection with, the provision of Fire Services which are incurred by the Town including, without limitation, responding to False Alarms;
  - (ii) the Town's actual costs for any extraordinary services required or incurred which are beyond normal Fire Services operations such as, without limitation, HAZMAT, additional Equipment, mutual aid from a reciprocating municipality, supplies, vac truck, and site or scene security; and
  - (iii) an administrative fee of five percent (5.00%) calculated on the total of (i) and (ii) above.
- (aa) "Fireworks" means the pyrotechnics classified as fireworks pursuant to the *Explosives Act*, RSC 1985, c E-17, and its regulations, including consumer fireworks, display fireworks, and special effect pyrotechnics.
- (bb) "Fireworks Permit" means a permit issued by the Fire Chief pursuant to this bylaw authorizing the setting off of Fireworks in the Town.
- (cc) "Incident" means a Fire, Burning Hazard, Fire Hazard, or medical situation where a Fire or explosion is imminent, or any other situation presenting danger or possible danger to life, property, or the environment, and to which the Fire Department has responded or may respond
- (dd) "Incinerator" means an apparatus for burning waste material until it is reduced to ash.

- (ee) "Member" means any Person who is duly appointed a member of the Fire Department and includes the Fire Chief, Deputy Fire Chief, and firefighters that are full-time, casual, or on-call, or paid or volunteer.
- (ff) "Municipal Tag" means a ticket alleging an offence issued pursuant to a bylaw of the Town and providing a Person with the opportunity to pay a fine amount to the Town in lieu of prosecution for the offence.
- (gg) "Obnoxious Odour" means an extremely unpleasant smell which may or may not expose a Person to the harmful chemicals in the products of incomplete combustion.
- (hh) "Occupant" means any person other than the registered owner who is in possession of Property including, but not limited to, a lessee, licensee, tenant, or agent of the Owner.
- (ii) "Open Fire" means any fire which is not an Acceptable Burn Barrel Fire, Acceptable Fire Pit Fire, Incinerator Fire, or Outdoor Fire and which, without limiting the generality of the foregoing, may include grass Fires, forest and brush Fires, Running Fires, structure Fires, building Fires, wood scrap Fires, ground thawing Fires, and chattel Fires;
- (jj) "Outdoor Fire" means any Fire outside of an Acceptable Burn Barrel, Acceptable Fireplace, or Acceptable Fire Pit, and includes, but is not limited to, the following:
  - (i) Fires involving humus, wood, soil, farm produce, bush, grass, feed, straw, or coal;
  - (ii) any Fire that has escaped or spread from a building, structure, machine, or vehicle;
  - (iii) a Burn Barrel Fire without the required spark arrestor screen;
  - (iv) Fires in outdoor ovens, carbon ovens, or home-built wood burners;
  - (v) Fires in Chimeneas;
  - (vi) Tiki torches; or
  - (vii) Random (back-country-style) Fires.
- (kk) "Owner" includes:
  - (i) the Person listed on title as the registered owner of Property at the Land Titles Office;
  - (ii) the Person recorded as the owner of the Property on the municipal assessment roll;
  - (iii) a Person who has purchased or otherwise acquired the Property and has not become the registered owner thereof;
  - (iv) a Person controlling the Property under construction; and
  - (v) an Occupant.

- (ll) "Peace Officer" means a person appointed as a Peace Officer under the *Peace Officer Act*, S.A. 2006, c P-4, as amended.
- (mm) "Person" includes any individual, firm, partnership, association, corporation, society, or other legal entity.
- (nn) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food or for the provision of heat in the out-of-doors that has been subjected to CSA approval.
- (oo) "Prohibited Debris" has the meaning defined in the Substance Release Regulation 124/1993 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (pp) "Property" means any real or personal property.
- (qq) "Recreational Fire" means a Fire which is lit for the purposes of cooking, obtaining warmth, or viewing and pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane.
- (rr) "Running Fire" means a Fire burning without being under the control of any Person.
- (ss) "Smoke" means the suspension of airborne particulates and gases emitted when a material undergoes combustion or pyrolysis together with the quantity of air that is entrained or otherwise mixed into the mass.
- (tt) "Structure Fire" means a Fire confined to and within a building, structure, machine, or vehicle which will, or is likely to, cause the destruction of the building, structure, machine or vehicle.
- (uu) "Town" means the Town of Onoway.
- (vv) "Violation Ticket" has the same meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34.

### **PART 3 ESTABLISHMENT AND PURPOSE OF THE FIRE DEPARTMENT**

3.1 The Fire Department is established for the purposes of:

- (a) Preserving life, property, and the environment, and protecting Persons and property from injury or destruction by Fire in, without limitation, Structural Fire, Open Fire, Outdoor Fire, industrial, vehicle, and wildland Fire situations with Fire Services that include, but are not limited to, the following, all in accordance with the policies and procedures of the Town and all applicable legislation:
  - (i) responding to Incidents;
  - (ii) preventing and extinguishing Fires;
  - (iii) providing motor vehicle extrication within the scope of the Equipment and Member training capability;
  - (iv) providing, or supporting, medical response;
  - (v) providing rescue services within the scope of the Equipment and Member training capability;

- (vi) carrying out preventative patrols, conducting pre-fire planning, and assisting with fire inspections and investigations;
- (vii) assisting with emergency management;
- (viii) administering Fire Permit and Fireworks Permit applications and approvals;
- (ix) fulfilling the requirements of any mutual aid agreements with other municipalities; and
- (x) otherwise providing emergency services as required to promote community safety.

#### **PART 4 AUTHORITY OF THE FIRE CHIEF AND FIRE DEPARTMENT**

- 4.1 The Fire Chief and Fire Department authorities are hereby established.
- 4.2 The Fire Chief and the Fire Department are responsible for the development, rules, regulations, and policies for the ongoing organization and administration of Fire Services.
- 4.3 Regulations, rules, or policies of this bylaw shall not be inconsistent with provincial legislation or regulations.
- 4.4 The Fire Chief and the Fire Department are empowered to cause a 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.
- 4.5 The Fire Chief and Fire Department are empowered to cause the Fire Department to enter on any land or premises, including adjacent lands or premises, to combat, control or otherwise deal with a Fire or Incident in whatever manner the Fire Chief and Fire Department deem necessary.
- 4.6 The Fire Chief and Fire Department may obtain assistance from other Town officials for the purpose of assisting with fire investigations, to facilitate inspections, or as otherwise required to fulfill their duties and responsibilities under this bylaw.

#### **PART 5 PERMITTED AND PROHIBITED FIRES**

- 5.1 No Person shall light, cause, or permit to be lit, any Fire upon land which they are the Owner, occupier, or which is under their control, unless the Person holds a valid Fire Permit issued pursuant to this bylaw or the Fire is exempt from the requirement for a Fire Permit under this bylaw.
- 5.2 No Person shall burn or cause to be burned any Prohibited Debris.
- 5.3 No Person shall use coal, straw, or used oil as a heat source for a residence within the Town.
- 5.4 No Person shall use coal, straw, or other combustible material, for ground thawing or other temporary heating conditions without a valid Fire Permit.
- 5.5 No Person shall use a Burn Barrel, or any other form of Incinerator, for incineration within the Town except where the following requirements are all met:
- (1) The Burn Barrel is an Acceptable Burn Barrel;
  - (2) The Burn Barrel is located on a residential property with a lot size of at least three (3.00) acres;
  - (3) The Burn Barrel is only used to burn Burnable Debris;

(4) The Fire is otherwise compliant with the requirements of this Bylaw.

5.6 No Person shall allow a Fire to create dense Smoke or an Obnoxious Odour that creates a risk to public safety.

5.7 No Person shall allow a Fire, whether or not a Fire Permit was obtained for the Fire, or the Fire did not require a Fire Permit under this bylaw, to become a Running Fire.

5.8 No Person shall light a Fire whether or not a Fire Permit was obtained for the Fire, or the Fire does not require a Fire Permit under this bylaw, without taking sufficient precautions to ensure that the Fire is kept under control at all times.

5.9 No Person shall deposit, discard, or leave any burning matter or substance where it might create a Fire Hazard.

5.10 A Fire Permit is not required for:

- (a) a Recreational Fire within an Acceptable Recreational Fire Pit or Acceptable Fireplace that is used for cooking, warmth or personal enjoyment, that is located on a residential parcel only;
- (b) the use of a Canadian Standards Association (CSA) or UL certified barbeque or Portable Appliance, that is located on a residential parcel only;
- (c) any fire table, pit, or other heating device which uses propane or natural gas, that is located on a residential parcel only;
- (d) the use of an Acceptable Burn Barrel on a residential property with a lot size of at least three (3.00) acres which is compliant with the requirements of this Bylaw; or
- (e) a Fire lit for a religious or ceremonial purpose,

provided that:

- (i) a means, acceptable to the Fire Chief, of controlling or extinguishing the Fire is available on the property and within a reasonable distance from where the Fire occurs;
- (ii) the Fire is kept under control and is always supervised by a responsible adult Person until such time as the Fire has been completely extinguished;
- (iii) flame height does not exceed one (1.00) meter above the structure or container; and
- (iv) the Fire is not used to burn Prohibited Debris.

5.11 This bylaw does not apply to a Fire lit by the Fire Department for training or preventative control purposes.

## **PART 6 FALSE ALARMS**

6.1 If in any 12-month period, the Fire Department is requested to respond to the same property more than one time for a False Alarm, the process will be as follows:

- (a) first response – education on False Alarms; and



- (b) second and subsequent responses – recovery of Fire Services Charges in accordance with this bylaw.

## **PART 7 FIRE PERMITS**

- 7.1 Fire Permits are required throughout the entire year.
- 7.2 An application for a Fire Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Town.
- 7.3 No Person shall provide false or misleading information on an application for a Fire Permit.
- 7.4 The fee for a Fire Permit application is set out in the Town's Fees and Charges Bylaw, as amended from time to time.
- 7.5 On receipt of complete application for a Fire Permit and the required fee, the Fire Chief may, in their discretion, either refuse to issue a Fire Permit or issue a Fire Permit with or without conditions.
- 7.6 A Fire Permit is valid only for the time expressly indicated on the Fire Permit.
- 7.7 The Fire Chief may extend the time period that a Fire Permit is valid provided that the extension is requested and approved prior to the expiration of the Fire Permit.
- 7.8 The Fire Chief may, in their sole discretion, terminate, cancel, or suspend a Fire Permit at any time.
- 7.9 Upon receipt of notice of termination, suspension, or cancellation, of a Fire Permit, the holder of the Fire Permit shall immediately extinguish any Fire set pursuant to the Fire Permit.
- 7.10 A Fire Permit is not transferable.
- 7.11 Any Person to whom a Fire Permit has been issued, and any Person involved in the lighting, supervision, or maintenance of a Fire set pursuant to a Fire Permit, shall comply with all the terms and conditions of the Fire Permit.
- 7.12 Every Person who sets a Fire pursuant to Fire Permit shall:
  - (a) produce and show the Fire Permit to the Fire Chief, Member, or an Enforcement Officer upon request;
  - (b) keep the Fire at the site of the Fire approved in the Fire Permit; and
  - (c) be responsible for any costs incurred by the Fire Department when called upon to extinguish such Fire if, in the opinion of the Fire Chief, the Fire is a hazard to Persons or property, or if the Fire is in contravention of the Fire Permit conditions.

## **PART 8 FIRE BANS**

- 8.1 When the CAO determines that the prevailing environmental conditions may give rise to an increased risk of Fire, or increased risk of a Fire running out of control, the CAO may, from time to time:
  - (a) limit Fires within the Town through a Fire Restriction; or
  - (b) prohibit all Fires within the Town under a complete Fire Ban.

- 8.2 A Fire Restriction or municipally issued Fire Ban may be amended by the CAO or Council.
- 8.3 A Fire Ban imposed pursuant to this bylaw shall remain in force until either the date and time provided in the notice of Fire Ban, as amended if applicable, or until such time as the CAO or Council provides notice to the public that the Fire Ban is no longer in effect.
- 8.4 When a Fire Ban is in place, no Person shall light, cause to be lit, or permit to be lit, a Fire on Property that they are the Owner or occupier of, regardless of whether the Person is the holder of a Fire Permit, and any such Person shall immediately extinguish any Fire that has been lit once the Person knows, or ought reasonable to have known, of the Fire Ban.
- 8.5 When a Fire Ban is in place, no Person shall discharge, fire, or set off Fireworks, regardless of whether the Person is the holder of a Fireworks Permit.
- 8.6 When a Fire Ban is in place, a Person may, subject to the requirements of this bylaw and unless the Fire Ban provides otherwise, use a barbeque that burns propane, natural gas, briquettes, or charcoal, provided that the barbeque is used for the purpose of cooking and is used on private property.

## **PART 9 FIREWORKS**

- 9.1 All Fireworks sold, stored, handled or discharged in the Town must comply with the *Explosives Act*, Natural Resources Canada Explosives Regulations, National Fire Code and National Building Codes, Alberta Editions, all other applicable federal, provincial, and municipal legislation, regulations, and bylaws, and be used in accordance with the manufacturer's recommendations.
- 9.2 All vendors selling, handling, or storing Fireworks must have a valid Town business license and may be subject to inspections to ensure compliance with applicable codes and standards
- 9.3 All vendors selling fireworks must ensure that the manufacturer's instruction for the safe use of the Fireworks are provided with each sale.
- 9.4 No Person shall discharge, fire or set off Fireworks within the Town without a Fireworks Permit issued by the Town.
- 9.5 An application for a Fireworks Permit shall be submitted to the Fire Chief, in writing, in the form approved by the Town and, if the Fireworks are proposed to be set off on private property, shall be accompanied by:
- (a) a written consent from the Owner of the lands on which the Fireworks are proposed to be used, if the applicant is not the Owner; and
  - (b) a written consent from the Owner(s) of any adjacent or neighbouring lands on which debris from the Fireworks might reasonably be expected to fall.
- 9.6 No Person shall provide false or misleading information on an application for a Fireworks Permit.
- 9.7 The fee for a Fireworks Permit application is as set out in the Town's Fees and Charges Bylaw, as amended from time to time.

9.8 On receipt of complete application for a Fireworks Permit and the required fee, the Fire Chief may, in their discretion, either refuse to issue a Fireworks Permit or issue a Fireworks Permit with or without conditions.

9.9 A Fireworks Permit is valid only for the time and location expressly indicated on the Fireworks Permit.

9.10 The Fire Chief may, in their sole discretion, terminate, cancel, or suspend a Fireworks Permit at any time.

9.11 Upon receipt of notice of termination, suspension, or cancellation, of a Fireworks Permit, the holder of the Fireworks Permit shall immediately cease the discharge, firing or setting off of Fireworks.

9.12 A Fireworks Permit is not transferable.

9.13 Any Person to whom a Fireworks Permit has been issued, and any Person involved in the discharging, lighting, or setting off of Fireworks pursuant to a Fireworks Permit, shall comply with all the terms and conditions of the Fireworks Permit.

9.14 Every Person who sets off Fireworks pursuant to a Fireworks Permit shall:

- (a) produce and show the Fireworks Permit to the Fire Chief, Member, or an Enforcement Officer upon request;
- (b) discharge, fire, or set off the Fireworks only at the location approved in the Fireworks Permit; and
- (c) be responsible for any costs incurred by the Fire Department when called upon to extinguish a Fire created by the use of the Fireworks.

## **PART 10 DANGEROUS GOODS**

10.1 The Owner of any property or conveyance containing Dangerous Goods which sustains an accidental or unplanned release of Dangerous Goods within the Town must immediately report the incident to the Fire Department.

10.2 Dangerous Goods shall not be transported through the Town without property identification and strict adherence to all Federal, Provincial, and municipal regulations and standards.

10.3 Dangerous Goods shall not be stored, transported, used, or released in residential areas of the Town.

10.4 Flammable liquids and combustible liquids for residential use which are stored in quantities in accordance with the *Safety Codes Act*, RSA c S-1, as amended, shall not be classified as Dangerous Goods for the purposes of this bylaw.

## **PART 11 REPORTING**

11.1 The Owner of any property damaged by Fire shall immediately report to the Fire Department the particulars of the Fire in a manner and detail satisfactory to the Fire Chief

11.2 Where a Fire is lit or ignited without a Fire Permit, unless the Fire is a Fire which does not require a Fire Permit, the Person having control of such Fire shall:

- (a) extinguish the Fire immediately; or
- (b) where they are unable to extinguish the Fire immediately, report the Fire by calling 9-1-1.

## **PART 12 FIRE SERVICES CHARGES**

12.1 Upon the Fire Department, or a reciprocating municipality under a mutual aid agreement, providing a response to a parcel of land, building, or residence, the Town may, in its discretion, recover Fire Services Charges associated with the response to any or all of the following Persons:

- (a) the Person or Persons who requested the response;
- (b) the Person or Persons causing or contributing to a Fire or Incident;
- (c) the occupant of the parcel of land or residence on which the response was provided;
- (d) the Owner of the parcel of land or residence on which the response was provided;
- (e) the Person or Persons with control over the parcel of land or residence on which the response was provided, which may include, without limitation, a property manager; or
- (f) the Person in possession or control of the property that is the subject of the Fire or Incident if the Fire or Incident did not occur on private property.

12.2 All Persons charged for Fire Services Charges are jointly and severally liable to the Town for payment of such Fire Services Charges.

12.3 Fire Services Charges shall be paid within thirty (30) days of receipt of an invoice.

12.4 Collection of unpaid Fire Services Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Town is entitled to on the parcel of land in respect of which the indebtedness is incurred.

12.5 Without limiting the generality of section 12.1, the Owner of a parcel of land within the Town to which Fire Services are provided is liable for Fire Services Charges incurred and the Town may add to the tax roll of the parcel of land all unpaid Fire Services Charges, which shall form a special lien against the parcel of Land in favour of the Town from the date that the amount was added to the tax roll in accordance with the Act.

12.6 A Person who has damaged or destroyed any Apparatus, Equipment or Fire Department Property shall, in addition to any penalty imposed in this bylaw, be liable for and pay upon demand, all costs incurred by the Town or the Fire Department, as applicable to repair or replace the Apparatus, Equipment, or Fire Department Property in question.

## **PART 13    INSPECTIONS AND ENFORCEMENT**

13.1    Where a parcel of land, property, residence, business, commercial property, or any other property does not comply with this bylaw, or a Person contravenes this bylaw, the Town may pursue its enforcement alternatives in accordance with this bylaw, any enactment or common law right, including issuing an order to remedy contraventions or dangers, remedying contraventions or dangers by the Town, adding amounts to tax rolls, and pursuing injunctions under the Act.

13.2    No Person shall interfere with or obstruct an Enforcement Officer, the Fire Chief, or the Fire Department in the exercise of their powers and duties under this bylaw.

13.3    No Person shall provide false or misleading information to any Enforcement Officer, the Fire Chief, or the Fire Department

13.4    No Person shall falsely represent themselves to be a Member of the Fire Department, or wear or display any uniform, badge, cap, button, insignia, or other paraphernalia for the purposes of such false representation.

13.5    No Person shall damage or destroy any Fire Department property.

## **PART 14    CORPORATIONS AND PARTNERSHIPS**

14.1    Where a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act of omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

14.2    If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act or omission that constitutes the offence, is guilty of the offence.

## **PART 15    VICARIOUS LIABILITY**

15.1    For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

## **PART 16    OFFENCES AND PENALTIES**

16.1    A Person who contravenes this bylaw by:

    (a)    doing any act or thing which the Person is prohibited from doing; or

    (b)    failing to do any act or thing the Person is required to do,

is guilty of an offence.

16.2    Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction, to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months, or both.

16.3    Where there is a specified penalty listed for the offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.

16.4 Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.

16.5 Where an Enforcement Officer believes that a Person has contravened any provision of this bylaw, the Enforcement Officer may commence proceedings against the Person by issuing a Violation Ticket.

16.6 If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established for the offence.

16.7 A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount specified for the offence and, if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

16.8 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.

16.9 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (c) specify the fine amount established in this bylaw for the offence; or
- (d) require a Person to appear in court without the alternative of making a voluntary payment.

16.10 A Person who commits an offence may, if a Violation Ticket is issued in respect of the offence and the Violation Ticket specifies the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine.

16.11 The levying and payment of any fine or the imprisonment of any period provided in this bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs for which that Person is liable under the provisions of this bylaw or any other bylaw.

16.12 The Town may exercise discretion in the application of this bylaw and its contents as defined in section 529 of the Act.

16.13 An Enforcement Officer may use discretion, mediation, or provide education and increased awareness as an alternative to issuing Municipal Tags or Violation Tickets.

## **PART 17 INTERPRETATION**

17.1 In this bylaw, a citation or reference to any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the Town is a citation of or reference to that act, regulation, or bylaw, as amended, whether amended before or after the commencement of the act, regulation, or bylaw in which the citation or reference occurs.

17.2 Nothing in this bylaw relieves a Person from complying with any provision of any provincial or federal legislation or regulation, other Town bylaw, or any requirement of any lawful permit, order, or license.

## **PART 18 SEVERABILITY**

18.1 Should any provision of this bylaw be invalid, then such provision shall be severed, and the remainder of the bylaw shall remain in force.

**PART 19    TRANSITION AND COMING INTO FORCE**

19.1    This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaws 675-08 and 723-16 are hereby repealed.

READ A FIRST TIME THIS 27th DAY OF FEBRUARY, 2025

READ A SECOND TIME THIS 27th DAY OF FEBRUARY, 2025

UNANIMOUS CONSENT to proceeding to third reading this 27th DAY OF FEBRUARY, 2025

READ A THIRD TIME THIS 27th DAY OF FEBRUARY, 2025

SIGNED THIS 27<sup>th</sup> DAY OF February, 2025

**TOWN OF ONOWAY**

SIGNED BY LENARD KWASNY  
Mayor

SIGNED BY JENNIFER THOMPSON  
Chief Administrative Officer

### SCHEDULE "A" - Specified Penalties

A Person who is found guilty of an offence under this bylaw where no penalty has been specifically provided is liable to a fine of not less than \$250.00 and not exceeding \$10,000.00.

<b>Bylaw Section</b>	<b>Offence</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Subsequent Offences</b>
5.2	Burn or cause to be burned any Prohibited Debris	\$1,000.00	\$5,000.00	\$10,000.00
5.3	Use coal, straw, or used oil as a heat source in a residence	\$500.00	\$1,000.00	\$2,000.00
5.4	Use coal, straw, or other materials for ground thawing or temporary heating	\$500.00	\$1,000.00	\$2,000.00
5.5	Use a Burn Barrel or incinerator where prohibited	\$500.00	\$1,000.00	\$2,000.00
5.6	Allow a Fire to create dense smoke or Obnoxious Odor	\$1,000.00	\$2,000.00	\$5,000.00
5.7	Allow a Fire to become a Running Fire	\$5,000.00	\$7,500.00	\$10,000.00
5.8	Failure to take precautions to keep Fire under control	\$500.00	\$1,000.00	\$5,000.00
5.9	Deposit or discard burning matter where it may cause Fire	\$1,000.00	\$5,000.00	\$10,000.00
7.3	Provide false or misleading information on an application for a Fire Permit	\$1,000.00	\$5,000.00	\$10,000.00
7	Fail to comply with the terms of a Fire Permit	\$1,000.00	\$5,000.00	\$10,000.00
7.12(a)	Fail to produce a Fire Permit on request	\$500.00	\$1,000.00	\$2,000.00
7.12(b)	Fail to keep the Fire at the site of the Fire approved in the Fire Permit	\$500.00	\$1,000.00	\$2,000.00
8.4	Light, cause, or permit to be lit a Fire when a Fire Ban is in place	\$1,000.00	\$5,000.00	\$10,000.00
8.5	Discharge, fire, or set-off Fireworks when a Fire Ban is in place	\$1,000.00	\$5,000.00	\$10,000.00



<b>Bylaw Section</b>	<b>Offence</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Subsequent Offences</b>
9.2	Vendor selling, handling or storing Fireworks without business license	\$1,000.00	\$2,000.00	\$5,000.00
9.3	Vendor selling Fireworks without providing manufacturer's instructions for safe use	\$500.00	\$1,000.00	\$2,000.00
9.4	Discharge, fire or set-off Fireworks without a permit	\$500.00	\$1,000.00	\$2,000.00
9.6	Provide false or misleading information on an application for a Fireworks Permit	\$1,000.-00	\$2,000.00	\$5,000.00
9	Failure to comply with conditions of a Fireworks Permit	\$1,000.00	\$2,000.00	\$5,000.00
9.14(a)	Failure to produce a Fireworks Permit on request	\$250.00	\$500.00	\$1,000.00
9.14(b)	Discharge, fire, or set off Fireworks at a location not approved in the Fireworks Permit	\$500.00	\$1,000.00	\$2,000.00
10.1	Failure to report release of Dangerous Goods	\$5,000.00	\$10,000.00	\$10,000.00
10.2	Transport Dangerous Goods without proper identification and adherence to applicable regulations	\$2,500.00	\$5,000.00	\$10,000.00
10.3	Store, transport, use, or release Dangerous Goods in residential areas	\$5,000.00	\$7,500.00	\$10,000.00
11.1	Failure to report property damaged by Fire	\$500.00	\$1,000.00	\$2,500.00
11.2	Light, cause, or permit to be lit a Fire without a Fire Permit	\$250.00	\$500.00	\$1,000.00
11.2(a)	Failure to extinguish a Fire ignited without a Permit where Permit required	\$1,000.00	\$2,500.00	\$5,000.00
11.2(b)	Failure to call 911 when unable to extinguish a Fire	\$2,000.00	\$5,000.00	\$10,000.00
13.2	Interfere or obstruct an Enforcement Officer, Fire Chief,	\$2,500.00	\$5,000.00	\$10,000.00

<b>Bylaw Section</b>	<b>Offence</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Subsequent Offences</b>
	or Fire Department			
13.3	Provide false or misleading information to an Enforcement Officer, the Fire Chief, or the Fire Department	\$1,000.00	\$2,000.00	\$5,000.00
13.4	Falsely represent themselves as a Member of the Fire Department	\$1,000.00	\$5,000.00	\$10,000.00
13.5	Damage or destroy Fire Department property	\$1,000.00	\$5,000.00	\$10,000.00