

**BYLAW NO. 723-16**  
**(Fire Services)**

**SCHEDULE "A"**

**WHEREAS**, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provision of Section 7 of the *Municipal Government Act*, Council may, by Bylaw, provide for the payment of Violation Tickets or summons out of court.

A notice of form (commonly called a Bylaw or Violation Ticket) may be issued by a Bylaw or Peace Officer to any Owner or Person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regards to the payment.

		<u>First</u> <u>Offence</u>	<u>Second</u> <u>Offence</u>	<u>Subsequent</u> <u>Offence</u>
(NO TIME LIMITS BETWEEN OFFENCES)				
Section 6.1	Failure to report property damaged by fire.	\$500.00	\$1,000.00	\$2,500.00
Section 6.2	Failure to report the release of a Dangerous Good(s), or Hazardous Material, whether or not planned or accidental.	\$5,000.00	\$10,000.00	\$25,000.00
Section 11.1	Allow any fire to become a Running Fire on any Property not his or her own, or allowing a Running Fire to pass from his or her own Property to the Property of another.	\$5,000.00	\$7,500.00	\$10,000.00
Section 11.2 a)	Light an Open Fire without a Fire Permit if a Fire Permit is required under this Bylaw.	\$250.00	\$500.00	\$1,000.00
Section 11.2 b)	Light an Open Fire, an Outdoor Fire, Incinerator Fire, Acceptable Burn Barrel Fire, Acceptable Fireplace Fire, or Acceptable Fire Pit Fire, without first taking sufficient precaution to ensure that the fire can be kept under control at all times.	\$500.00	\$1,000.00	\$5,000.00

Section 11.2 c)	Light an Open Fire, an Outdoor Fire, Incinerator Fire, Acceptable Burn Barrel Fire, Acceptable Fireplace Fire, or Acceptable Fire Pit Fire when weather conditions are conducive to creating a Running Fire OR when Fire Services or another authorized agency has announced a Fire Ban on any type of burning.	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.2 d)	Burn in an acceptable burn barrel, acceptable fireplace, acceptable fire pit, or public park fire site garbage, leaves, straw, painted wood, treated construction materials, or items made of or containing rubber, plastic, tar, or any materials deemed for disposal;	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.2 e)	Deposit, discard, or leave any burning matter or substance where it might ignite other material and cause a fire.	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.2 f)	Conduct any activity that involves the use of fire or that creates potential sources of fire ignition, which might reasonably be expected to cause a running or open fire, unless he or she excercises reasonable care to prevent such a fire from occurring.	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.2 g)	Provide false, incomplete, or Misleading information to Fire Services On or with respect to a Fire Permit Application	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.2 h)	Interfer with the efforts or persons authorized in this Bylaw to extinguish fires or preserve life or property	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.2 i)	Interfer with the operation of any Fire Services equipment or apparatus Required to extinguish fires or preserve Life or property	\$1,000.00	\$5,000.00	\$10,000.00

Section 11.2 j)	Damage or destroy any Fire Services property, or	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.2 k)	Falsely represent him or herself as a Fire Services Member, or wear or display any uniform, badge, cap button, insignia, or other paraphernalia for the purpose of such false representation.	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.3	Use Fire to burn Prohibited Debris	\$1,000.00	\$5,000.00	\$10,000.00
Section 11.4	Obstruct a Bylaw Officer, Peace Officer, Fire Guardian, or Members of the Fire Services in the performance of their duties pursuant to this Bylaw or the <i>Forest and Prairie Protection Act</i> .	\$2,500.00	\$5,000.00	\$10,000.00
Section 11.5	Burn or have a fire in an area designated Municipal Reserve or Environmental Reserve without a Fire Permit.	\$500.00	\$1,000.00	\$5,000.00
Section 11.6	Fail to comply with conditions of Fire Permit.	\$1,000.00	\$5,000.00	\$10,000.00

### **Incident Response Rates**

*When an incident occurs within the Town of Onoway or additional municipalities which have entered into a Fire Services Agreement, those who have entered into a Mutual Aid Agreement, or those who have executed agreements, the following schedule will apply. Rates may be negotiated from time to time; other rates may apply as part of a separate agreement;*

Rates as established by County Council from time to time for the following equipment:

- A) Engine/Pumper
- Tanker /Tender
- Squad
- Wildland Truck
- Heavy Rescue Truck
- Command Unit
- Rescue Boat
- OHV (Rescue or Fire Suppression)
- QUAD ATV
- Equipment Support Trailer

Contracted Equipment (Fire or General)  
Consumables (foam, etc)  
Hazardous Materials Supplies  
Municipal Water Access Fee

Invoice cost  
Invoice cost + 25%

Current cubic meter rates as  
established by the Town of Onoway,  
or the Town of Mayerthorpe.

Firefighter wages  
Cadet (Junior) Firefighter wages

### **Additional Fees**

Incident Report – Copy (insurance, lawyer)  
Photos – CD Copy (insurance, lawyer)  
Rental Wildland Trailer

**TOWN OF ONOWAY**  
**Fire Bylaw No 723-16**

A Bylaw of the Town of Onoway in the Province of Alberta, for the purpose of establishing Fire Services within Town of Onoway.

WHEREAS *Sections 7 and 8 of the Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws for the safety, health and welfare of people and the protection of people and property, providing for a system of licenses, permits or approvals, imposition of penalties for offences, as well as services provided by or on behalf of the municipality as may be considered proper by Council;

WHEREAS *Section 553 (1) (g) of the Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass a bylaw making the owner of a parcel liable for costs and expenses related to the municipality extinguishing fires on the parcel, and unpaid costs and expenses for extinguishing fires on the parcel may be added to the Tax Roll of that parcel of land;

WHEREAS the *Forest and Prairie Protection Act*, R.S.A. 2000, c. F-19, as amended, provides certain discretionary and mandatory powers to enable a municipality to carry out and enforce the provisions of the *Forest and Prairie Protection Act* within its boundaries as applicable; and

WHEREAS the Council of the Town of Onoway, pursuant to the powers and responsibilities granted to it pursuant to the *Municipal Government Act* and the *Forest and Prairie Protection Act*, wishes to provide for the prevention, regulation and control of the lighting of fires within the Town of Onoway and for the preservation of life and property from damage or destruction by fire on the terms hereinafter provided;

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

NOW, THEREFORE, the Council of the Town of Onoway , in Council duly assembled, enacts as follows:

**PART 1.0 – NAME OF BYLAW**

1.1 This Bylaw may be cited as the “Fire Services Bylaw.”

**PART 2.0 - DEFINITIONS**

2.1 In this Bylaw:

- a) “Acceptable Burn Barrel” means an outdoor receptacle that meets the following specifications:
- i. a minimum of three (3) metres clearance measured from the nearest edge of the Burn Barrel to a building, property lines, or other combustible material,
  - ii. equipped with an expanded metal spark arrestor mesh screen with openings no larger than 16 mm, secured in place with latches or weights,
  - iii. constructed of non-combustible material,
  - iv. not located over underground utility services or under aboveground wires,
  - v. is supervised at all times by a responsible person until such time that the fire in the Burn Barrel has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire, and
  - vi. is used to burn non-prohibited debris;
- b) “Acceptable Fireplace means an outdoor receptacle that meets the following specifications:
- i. a minimum of one (1) metre clearance measured from the nearest Fireplace edge to the nearest edge of buildings, property lines, or other combustible material,
  - ii. constructed of materials such as bricks, concrete, or rocks that are non-combustible,
  - iii. equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area,
  - iv. a chimney 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 0.3 metres above the surrounding grade, and
  - vi. 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;
- c) “Acceptable Fire Pit” means an outdoor receptacle (fire/barbeque pit) that meets the following specifications:
- i. a minimum of three (3) metres clearance from buildings, property lines and combustible materials is maintained,
  - ii. it is placed on non-combustible material such as rock, sand, mineral soil, gravel, or concrete and the ground surrounding it outward from its base to a distance of three (3) metres be clean mineral soil or be covered by any of the aforesaid materials,
  - iii. it is constructed of bricks or concrete blocks, heavy gauge metal or other suitable non-combustible material components,
  - iv. it has a spark arrestor mesh screen of 8 – 16 mm expanded metal (or equivalent) to contain sparks over the fire at all times,
  - v. the fire is supervised at all times by a responsible adult until such time that the fire has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire,
  - vi. only wood, charcoal briquettes, propane, or natural gas fuels are to be used,
  - vii. flame height does not exceed 90 cm (3.28 feet) above the fire/barbeque pit, and
  - viii. not located over any underground utilities or under any aboveground wires;
- d) “Alberta Fire Code” means the most current version of fire safety regulations adopted by the Province of Alberta and legislated under the *Safety Codes Act*;

- e) “Burnable Debris” means those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment and shall include but are not limited to materials described as:
- i. straw and stubble,
  - ii. grass and weeds,
  - iii. leaves and tree pruning’s,
  - iv. brush and fallen trees on newly cleared land or associated logging operations,
  - v. used power and telephone poles that do not contain wood preservatives,
  - vi. wood material from the construction or demolition of buildings, which does not contain wood preservatives,
  - vii. solid waste from post and pole operations that does not contain wood preservatives, or
  - viii. solid waste from tree harvesting operations;
- f) “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;
- g) “Bylaw Officer” means, a Bylaw Enforcement Officer appointed by The Town of Onoway under Section 555 (1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- h) “Bylaw Ticket” means a ticket or similar document issued by the Town of Onoway pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M26;
- i) “Chief Administrative Officer” means the Town of Onoway CAO. or designate;
- j) “Town” or “Town of Onoway” means the Municipality of the Town of Onoway in the Province of Alberta;
- k) “Fire Chief” means the senior manager of the Onoway Regional Fire Services (owned and operated by North West Fire Rescue – Onoway Ltd.), howsoever named, or designate;
- l) “Council” means the Council of the Town of Onoway ;
- m) “Dangerous Goods” means any product, substance, or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the *Transportation of Dangerous Goods Act*, R.S.A. 1992, Chapter 34, as amended;
- n) “Emergency Unit” means a fire truck, pumper truck, rescue truck, ambulance, mobile command unit, brush truck, dangerous goods unit, tender, enforcement vehicle, watercraft, or any other vehicle used for perform activities at an Incident;
- o) “False Alarm” means any fire alarm that is set off needlessly, through willful, accidental, human, or mechanical error, and to which the Town of Onoway Fire Services responds;
- p) “Fire Ban” means a provincial ministerial order, an order by The Town of Onoway Chief Administrative Officer, or an order by Onoway Regional Fire Services Fire Chief that may, at their discretion, cancel any or all Fire Permits, prohibit the lighting of or requiring the extinguishment of a fire, and prohibit the setting off of fireworks or explosives;
- q) “Fire Guardian” means a person named or employed as Fire Guardian or Fire Officer, by Onoway Regional Fire Services, and pursuant to the *Forest and Prairie Protection Act*, this Bylaw, or both;
- r) “Fire Hazard” means combustible material that, through its nature, location, condition, or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard;

- s) “Fire Permit” means a permit issued by a Fire Guardian pursuant to the *Forest and Prairie Protection Act* or Bylaw, or both allowing for the setting of an outdoor fire or structure fire within the Town of Onoway ;
- t) “Fire Services” means the Onoway Regional Fire Services owned and operated by North West Fire, a Department, as established pursuant to the laws of Alberta and organized for the Town pursuant to the provisions of this Bylaw, and any agreements with municipalities within Lac Ste. Anne County borders; consisting of: all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials, and supplies used in the operation, maintenance, and administration of the Onoway Regional Fire Services, including applicable fire stations;
- u) “FireSmart Manual” means the FireSmart Home Owner’s manual produced by Alberta Environment and Sustainable Resource Development;
- v) “Household Garbage” means any discarded material from household activities that may include, but is not limited to: wet organic waste, plastic, rubber, disposable diapers, glossy coloured paper, particle board, or other materials that, when burned, give off offensive odours and visible smoke;
- w) “Incident” means a fire, or a situation where a fire or an explosion is imminent, or any other situation presenting a danger or possible danger of life or property and to which the Fire Services may respond;
- x) “Incinerator Fire” means a fire that is confined within a non-combustible structure, container, or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 16 mm (as per FireSmart Manual), and which is used for the purpose of burning burnable debris, protecting livestock from insects, or for protecting garden plots from frost;
- y) “Member” means any person who is an employee of Onoway Regional Fire Services, whether that member is full time, part time, paid, or a volunteer;
- z) “Occupant” means any person other than the registered Owner who is in possession of the property, including, but not restricted to, a lessee, licensee, tenant or agent of the Owner.
- aa) “Open Fire” means any fire which is not an Acceptable Burn Barrel Fire, Acceptable Fireplace 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;
- bb) “Outdoor Fire” means any fire outside of an Acceptable Burn Barrel, Acceptable Fireplace, Acceptable Fire Pit, or Incinerator Fire and, by proxy, includes, but 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 or Incinerator without the required spark arrestor screen,
  - iv. fires in outdoor ovens, earthen ovens, or home-built wood burners,
  - v. chimeneas,
  - vi. tiki torches, and
  - vii. random (back-country) fires;
- cc) “Owner” means:
  - i. the person as registered on title at the Land Titles Offices,



- ii. a person who is recorded as the Owner of the property on the assessment roll of the Town of Onoway,
- iii. a person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the Owner or from another purchase, and has not become the registered Owner thereof,
- iv. a person controlling the property under construction, or
- v. a person who is the Occupant of the property under a lease, license, or permit;
- dd) “Peace Officer” means a person appointed as a Community Peace Officer under the *Peace Officer Act*;
- ee) “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society, and other legal entity;
- ff) “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;
- gg) “Prohibited Debris” means any material that, when burned, will result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:
  - i. animal manure,
  - ii. pathological waste,
  - iii. non-wooden materials,
  - iv. waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives,
  - v. combustible material in automobiles,
  - vi. tires,
  - vii. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel,
  - viii. used oil, or
  - ix. wood or wood products containing substances for the purposes of preserving wood;
- hh) “Property” means any lands, buildings, structures, or premises, or any personal property located thereupon, within the municipal boundaries of the Town of Onoway;
- ii) “Running Fire” means a fire burning without being under the control of any Person;
- jj) “Specified Penalty” means a penalty specified in Schedule “A” which may be paid in response to a Bylaw or Violation Ticket, for an alleged offence of a Section of this Bylaw;
- kk) “Structure Fire” means a fire confined to and within any building, structure, machine, or vehicle, which will, or is likely to cause the destruction of or damage to such building, structure, machine, or vehicle;
- ll) “Violation Ticket” means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S. A. 2000, Chapter P-34 for a breach of any of the provision of this Bylaw.

## PART 3.0 – SERVICES

- 3.1 Services may be provided by Onoway Regional Fire Services for the purposes of:
- a) Preventing and extinguishing fires;
  - b) Preserving life and property and protecting persons and property from injury or destruction by fire;
  - c) Providing rescue services;
  - d) Preventing, combating and controlling Incidents;
  - e) Carrying out preventative patrols, pre-fire planning, and assisting with fire investigations and inspections;
  - f) Entering into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
  - g) Purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property, in accordance with approved budgets.

## PART 4.0 – AUTHORITY

- 4.1 Council hereby delegates the following authorities:
- a) Onoway Regional Fire Services Fire Chief or designate, a District Fire Chief, or any Member acting in their position is empowered to cause a building, structure, or thing to be pulled down, demolished, or otherwise removed if he or she deems it necessary to prevent the spread of fire to other buildings, structures, or things;
  - b) Onoway Regional Fire Services Fire Chief or designate, a District Fire Chief, or any Member acting in their position is empowered to cause any Member to enter on any land or premises, including adjacent land or premises, to combat, control, or deal with an Incident in whatever manner the Onoway Regional Fire Chief, a District Fire Chief, or any other Member or Fire Officer in charge at an Incident deems necessary;
  - c) The Onoway Regional Fire Services Fire Chief or designate is authorized to issue Fire Permits and to issue invoices for services provided and any other document in the name of the Town, which may be required for the efficient operation of Fire Services within the Town;
  - d) For the purpose of fire control, the Onoway Regional Fire Chief, or designate acting in their position, may enforce a partial or total Fire Ban, which will be advertised through such options as local radio, newspaper media, and social media for not less than two (2) consecutive days;
  - e) For the purpose of fire control, the Onoway Regional Fire Chief, or designate, or any Member acting in their position may enforce a Fire Ban in specified areas.
- 4.2 The Onoway Regional Fire Services Fire Chief or designate may seek the assistance of any department or official of the Town, as deemed necessary to fulfill the duties hereunder.
- 4.3 The Onoway Regional Fire Services Fire Chief, a District Fire Chief, or any Member or Fire Officer acting in their position, is hereby authorized to assist with fire investigations or inspections when requested by an accredited Safety Codes Officer.

## 5.0 – CONTROL OF FIRE HAZARDS

- 5.1 If the Onoway Regional Fire Services Chief or designate finds within the Town boundaries, on privately owned land or occupied public land, conditions that in the opinion of the Onoway Regional Fire Services constitutes a Fire Hazard or a Burning Hazard, he or she may order the Owner or the Person in control of the land on which the Fire Hazard or Burning Hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the Onoway Regional Fire Services Fire Chief.
- 5.2 When the Onoway Regional Fire Services Fire Chief or designate, or any Member acting in their position finds that an order made pursuant to Section 5.1 has not been carried out, he or she may enter on the land with any equipment and persons considered necessary and may perform the required work.
- 5.3 Where work was performed pursuant to Section 5.2:
  - a) The Owner or Person in control of the land shall on demand reimburse the Town for the cost of the work performed;
  - b) The Town may recover such fees and charges as a debt due and owing to the Town; and
  - c) Where the fees or charges are not paid, such fees or charges may be charged against the land as a lien in respect of that land and improvements as pursuant to Section 553 (1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

## 6.0 – REPORTING

- 6.1 The Owner or the authorized agent of any property damaged by fire shall immediately report to the Fire Services Department particulars of the fire in a manner and detail satisfactory to the Onoway Regional Fire Services Fire Chief or designate.
- 6.2 The Owner or the 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 County Regional Fire Services Fire Chief, or designate, particulars of the release in a manner and detail satisfactory to the Town Fire Chief.

## 7.0 – FIRE GUARDIANS

- 7.1 Fire Guardians shall be appointed by the Town to enforce the provisions of the *Forest and Prairie Protection Act*, and the Town's Fire Bylaw within the boundaries of the Town of Onoway. The number of required Fire Guardians shall be monitored and maintained as required by the Chief Administrative Officer through the recommendation of the Town Fire Chief.

## 8.0 – FIRE PERMITS

- 8.1 Fire Permits with site inspection by an appointed Fire Guardian is required at all times of the year to light an Open Fire, Structure Fire or any other fire if required under this Bylaw or the *Forest and Prairie Protection Act*.

- 8.2 Council, from time to time, by resolution may establish a fee for issuing a Fire Permit.
- 8.3 No Person shall set, permit, or maintain any Open Fire at any time of the year such that the smoke emitted from the fire impairs visibility on any municipal roadway, any Highway or which, in the sole discretion of the Onoway Regional Fire Services Fire Chief or designate, becomes a nuisance or safety concern on any roadway, Highway or property. The Person who set, permitted, or maintained such an Open Fire shall extinguish the fire immediately upon the order of the Onoway Regional Fire Services Fire Chief or designate.
- 8.4 Any Person wishing to obtain a Fire Permit for any area within the Town shall request a Fire Permit through the Fire Guardians.
- 8.5 A Fire Permit shall be on the form required by the Fire Services, and must be made during a site visit by a Fire Guardian. Each Fire Permit shall contain the following information:
- a) The name, address, and telephone number, if applicable, of the applicant;
  - b) The reason for a Fire Permit is required;
  - c) The legal description of land and/or municipal address of the property upon which the proposed fire will be set;
  - d) A description of the combustible material which will be burned;
  - e) Any precautions that will be taken by the Owner or authorized agent to maintain and control the proposed fire;
  - f) The length of time for which the Fire Permit will remain valid (maximum 10 days);
  - g) The signature of the Owner or authorized agent; and
  - h) The signature of the Fire Guardian issuing the Fire Permit.
- 8.6 The Town Fire Chief, designate, or Fire Guardian may, in his or her sole discretion, terminate or suspend a Fire Permit at any time.
- 8.7 Upon request for a Fire Permit, the Town Fire Chief, designate, or Fire Guardian shall complete a site inspection to consider the request and in his or her sole discretion:
- a) Refuse to grant the Fire Permit;
  - b) Grant a Fire Permit with or without terms and conditions as deemed appropriate; or
  - c) Determine that a Fire Permit is not required.
- 8.8 A Fire Permit is not transferable.
- 8.9 Subject to 8.5 (f); the Town Fire Chief or designate, may issue a Fire Permit for longer periods (30, 60 or 90 days), as determined by circumstances, conditions, preventative measures, plans as submitted to the Town Fire Chief, as well as ongoing site inspections, as determined by the Town Fire Chief.
- 8.10 Where an emergency or a potential emergency exists, the Onoway Regional Fire Services or designate shall be empowered to suspend all Structure Fires, Open Fires, Outdoor Fires, or other fires lit for cooking or warming purposes, or any other fire within all or portions of the Town for such a period of time and on such conditions as may be determined by the Town Fire Chief or designate.
- 8.11 Upon receiving notice of the suspension or cancellation of a Fire Permit, the Owner or authorized agent shall immediately extinguish any fire set.

- 8.12 Within subdivisions the following burning is permitted:
- a) An Acceptable Fireplace year-round with no Fire Permit required; and
  - b) An Acceptable Fire Pit with a regulation screen year-round with no Fire Permit required.

## 9.0 – BURN BARRELS

- 9.1 Burn Barrels will NOT be permitted for use in the Town of Onoway
- 9.2 Where an emergency or a potential emergency exists, the Town Fire Chief or designate shall be empowered to suspend all Structure Fires, Open Fires, Outdoor Fires or other fires lit for cooking or warming purposes, or any other fire within all or portions of the County for such a period of time and on such conditions as may be determined by the Town Fire Chief or designate.

## 10.0 – EXEMPTIONS AND POWERS

- 10.1 Notwithstanding Section 8.0, a Fire Permit is not required under this Bylaw, for the items listed below, to conduct:
- a) The cooking of food or the provision of heat using a Portable Appliance; or
  - b) Recreational burning, or the cooking of food in Acceptable Fireplace or Acceptable Fire Pit, provided:
    - i. only clean fuel is used such as natural gas, dry wood, or charcoal in amounts which will be contained within the Fireplace or Fire Pit below the mesh screen,
    - ii. the Fireplace or Fire Pit is not used to burn prohibited debris,
    - iii. a means, acceptable to the Onoway Regional Fire Services Fire Chief or designate, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs, and
    - iv. a responsible adult is present on the property when the fire is burning; or
  - c) The burning of Burnable Debris or clean burnable Household Garbage in an Acceptable Burn Barrel.
  - d) Burning in Fireplaces in or attached to dwellings are provided by legislation; or
  - e) The fire has been set by Fire Services for the purpose of training; or
  - f) The fire has been otherwise authorized by the Fire Services.
- 10.2 Where Onoway Regional Fire Service has taken any action whatsoever for the purpose of Fire Services, including and not limited to: report copies; duplicate photographs; site inspections, the applicable fee as set out in Schedule “A” of this Bylaw may apply.
- 10.3 Where Fire Services has taken any action whatsoever for extinguishing a fire or responding to a fire call or Incident within the Town for the purpose of preserving life or property from injury or destruction by fire or other Incident, including any such action taken by the Fire Services on a False Alarm, the Town may, in respect of any costs incurred by the Fire Services in taking such action, charge any costs so incurred by Fire Services to:
- a) The Person who caused the Incident;
  - b) The Owner of the land or the Person in possession of the land where the Incident occurred; or

- c) The Owner of the property where the Person in possession and control of the property which is the location of the Incident if not located on privately owned land.
- 10.4 The schedule of fees and charges to be charged by Fire Services for services rendered pursuant to this Bylaw shall be as set out in Schedule "A". The Town Fire Chief, or designate, upon approval and ratification by Council, may determine the application of fees and charges from time to time.
- 10.5 Upon receipt of an invoice for services provided by Fire Services, the Owner or Person receiving such an invoice pursuant to this Bylaw may appeal in written form to Town Council within 30 days of the post-mark date.
- 10.6 Appeals may extend beyond the 30 days stated as a result of insurance matters or other matters deemed acceptable by Fire Services, and will be reviewed on an individual basis as required. The decision of Council on any such appeal shall be final and binding upon the Owner of the land or property, or Person who caused the Incident.
- 10.7 In respect of the fees and charges described in Schedule "A" of this Bylaw:
  - a) The Town may recover such fees or charges as a debt and owing to the Town; or
  - b) In the case of action taken by Fire Services in respect of land within the Town, where the fees or charges are not paid upon demand by the Town, then in default of payment, such fees or charges may be charged against the land as a lien in respect of that land and improvements as pursuant to Section 553 (1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- 10.8 When a fire is lit or ignited without the appropriate Fire Permit, except a fire described in Section 10.1, 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 or she is unable to extinguish the fire immediately, report the fire to Fire Services through contact with 9 – 1 – 1; and
  - c) Be liable to prosecution under conviction and/or costs incurred by Onoway Regional Fire Services to respond, suppress, and extinguish the fire at the discretion of the Town of Onoway.

## 11.0 – OFFENSES

- 11.1 No Owner or Person shall either directly or indirectly, personally, or through an agent, servant, or employee, kindle a fire, whether a Fire Permit was obtained for that fire, or whether the fire did not required a Fire Permit, and allow it to become a Running Fire on any land, including his or her own property, or allow a Running Fire to pass from his or her property, or property under his or her control, to the property of another.
- 11.2 No Owner or Person shall:
  - a) Light an Open Fire without a Fire Permit if a Fire Permit is required under this Bylaw;
  - b) Light an Open Fire, Outdoor Fire, Incinerator Fire, Acceptable Burn Barrel Fire, Acceptable Fireplace Fire, or Acceptable Fire Pit Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
  - c) Light an Open Fire, Outdoor Fire, Incinerator Fire, Acceptable Burn Barrel Fire, Acceptable Fireplace Fire or Acceptable Fire Pit Fire when the weather conditions are

conducive to creating a Running Fire or when Fire Services or another authorized agency has announced a Fire Ban on any type of burning;

- d) Burn in an Acceptable Burn Barrel, Acceptable Fireplace, Acceptable Fire Pit, or public park fire site garbage, leaves, straw, painted wood, treated construction materials, or items made of or containing rubber, plastic, tar, or any materials deemed for disposal;
  - e) Deposit, discard, or leave any burning matter or substance where it might ignite other material and cause a fire;
  - f) Conduct any activity that involves the use of fire or that creates potential sources of fire ignition, which might reasonably be expected to cause a Running or Open Fire, unless he or she exercises reasonable care to prevent such a fire from occurring;
  - g) Provide false, incomplete, or misleading information to Fire Services on or with respect to a Fire Permit Application;
  - h) Interfere with the efforts or persons authorized in this Bylaw to extinguish fires or preserve life or property;
  - i) Interfere with the operation of any Fire Services equipment or apparatus required to extinguish fires or preserve life or property;
  - j) Damage or destroy any Fire Services property; or
  - k) Falsely represent him- or herself as a Fire Services Member, or wear or display any uniform, badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.
- 11.3 No Owner or Person shall use fire to burn Prohibited Debris, including material that will result in the production of dense black smoke, such as insulation from electrical wiring or equipment, asphalt roofing materials, or hydrocarbons except as may be approved in writing by the Town Fire Chief or designate.
- 11.4 No Owner or Person shall obstruct a Bylaw Officer, Peace Officer, Fire Guardian, or Members of the Fire Services in the performance of their duties. Obstruction will include, but is not limited to, failure to provide access to property and failure to provide information as to identity of individuals.
- 11.5 No burning or fires of any sort are allowed in areas designated as Municipal or Environmental Reserve without a Fire Permit.
- 11.6 No Owner or Person shall fail to comply with conditions of a Fire Permit.
- 11.7 Nothing in this Bylaw shall be interpreted to authorize any fire, burning, or other act, which is in contravention of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 and amendments thereto, or any regulation made hereunder.

## 12.0 – PENALTIES

- 12.1 Any Owner or Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a fine of not more than \$25,000.00.
- 12.2 Where an Owner or Person contravenes any provision of this Bylaw, the specified penalty is prescribed in Schedule “A”.
- 12.3 Where an Owner or Person contravenes any Section of this Bylaw, that Owner or Person shall be liable to Fire Services and the Town for the entire cost of any type of emergency response and mitigation service required to bring the Incident under control; whether Fire Services or the Town provided that service or by a third party or agency, and:

- a) The Town may recover such fees or charges as a debt due and owing to the Town; or
  - b) In the case of action taken by Fire Services in respect of land within the Town, where the fees or charges are not paid upon demand by the Town, then in default of payment, such fees or charges may be charged against the land as a lien in respect of that land and improvements.
- 12.4 A Bylaw Officer or Peace Officer is hereby authorized and empowered to issue a Bylaw and/or Violation Ticket to any Owner or Person whom that Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw. A Bylaw and/or Violation Ticket may be issued to such persons:
- a) Either personally; or
  - b) By mailing a copy to such Person at his or her last known post office address.
- 12.5 The Bylaw and/or Violation Ticket shall be in the form approved by the Town.
- 12.6 Where a Bylaw and/or Violation Ticket is issued pursuant to this Bylaw, the Owner or Person to whom the Bylaw and/or Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Bylaw and/or Violation Ticket as outlined on Schedule "A" hereto, provided that such payment is made in full before the date outlined on the Bylaw and/or Violation Ticket.
- 12.7 Nothing in this Bylaw shall prevent a Bylaw Officer or Peace Officer from immediately issuing a summons pursuant to Part II of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended, for the mandatory Court appearance of any Owner or Person who contravenes any provisions of this Bylaw.
- 12.8 Any fine or penalty imposed pursuant to this Bylaw will be paid directly to the Town.
- 12.9 If the penalty specified on a Bylaw and/or Violation Ticket is not paid within the prescribed time period, then a Bylaw Officer or Peace Officer is hereby authorized and empowered to issue a Summons pursuant to Part II of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended.
- 12.10 In respect to any costs or fees levied or charged under this Bylaw:
- a) The Town of Onoway may recover such costs or fees as an amount due and owing to the Town pursuant to Section 552 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; and
  - b) In default of payment, where permitted by the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, Section 553(1) (c), add the amount to the Tax Roll of the property in question.

### 13.0 – SEVERABILITY

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



EFFECTIVE DATE

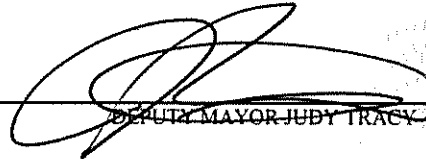
Bylaw 467-95 and 580-02 amendments thereto is hereby repealed.

This Bylaw shall come into force and effect on the date of the third and final reading and signing thereof.

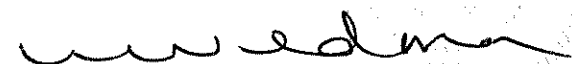
FIRST READING: January 21, 2016

SECOND READING: January 21, 2016

THIRD READING: January 21, 2016



DEPUTY MAYOR JUDY TRACY



CHIEF ADMINISTRATIVE OFFICER, WENDY WILDMAN