

PONOKA COUNTY

BY-LAW 3-22-FP

A BY-LAW OF PONOKA COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES FOR PONOKA COUNTY.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended (hereinafter referred to as "the Act"). Provides that a Council of a Municipality may pass By-Laws for the prevention and extinguishing of fires, the preservation of life and property, and the protection of persons from injury or destruction by fire, safety, health, and welfare of people and the protection of people and property.

WHEREAS the Forest and Prairie Protection Act, R.S.A., 1980, Chapter F-19, as amended, provides certain additional powers which may be enacted by the Council of a Municipality so that it can enforce the provisions of the said Forest and Prairie Protection Act within the boundaries of the Municipality.

WHEREAS the Municipal Government Act, R.S.A. 2000 Chapter M-26, as amended, provides for the entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment, and for the purpose of providing fire protection not within the Ponoka County municipal boundaries.

WHEREAS the municipal Council of Ponoka County has been accredited by the Safety Codes Council in its respective municipality.

WHEREAS the Council of Ponoka County wishes to establish a Regional Fire Service within Ponoka County and to provide efficient operation of such fire service to County residents, the Summer Village of Parkland Beach and the Towns of Ponoka and Rimbey and their residents and businesses.

WHEREAS the Council of Ponoka County does not permit the response to any fire related emergency in their municipal boundaries by other emergency response agencies or fire departments unless the Regional Fire Services requests mutual aid.

NOW THEREFORE the Council of Ponoka County, of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 – NAME OF BY-LAW

1.1 This By-Law may be cited as "The Fire Protection By-Law".

SECTION 2 – DEFINITIONS

In this By-Law:

- (a) "Acceptable Burning Barrel" applies to farm use only and means an outdoor receptacle that meets the following specifications;
 - (i) a minimum of three (3) meters clearance is maintained from any building, property line, or other combustible material when measured from the nearest edge;
 - (ii) the opening does not exceed one (1) meter in width or diameter when measured between the widest points or outer edge;
 - (iii) the receptacle has closed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Regional Fire Services; and
 - (iv) a spark arrestor mesh screen with openings no larger than twelve and one-half (12.5) millimeters that is constructed of expanded metal (or equivalent material) is used to cover the opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- (b) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications;
 - (i) a minimum of three (3) meter clearance is maintained from any building,

property line, or other combustible material when measured from the nearest edge;

- (ii) the fire pit height does not exceed six hundred (600) millimeters when measured from the surrounding grade to the top of the pit opening;
 - (iii) the pit opening does not exceed one (1) meter in width or in diameter when measured between the widest points or outer edges;
 - (iv) the fire pit has enclosed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material acceptable to the Regional Fire Service, and
 - (v) a spark arrestor mesh screen with openings no larger than twelve and one-half (12.5) millimeters that is constructed of expanded metal (or equivalent material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
- (c) "Acceptable Fireplace" means an outdoor receptacle that meets the following specifications;
- (i) a minimum of one (1) meter clearance is maintained from any building, property line, or other combustible material when measured from the nearest fireplace edge;
 - (ii) the fireplace is constructed of materials such as brick or rocks that are heat and flame resistant;
 - (iii) the fireplace is equipped with a chimney that is not less than two and one-half (2.5) meters in height when measured from the base of the burning area;
 - (iv) the fireplace chimney is equipped with an approved screen designed to contain and reduce the hazards of airborne sparks, meeting the requirements of the manufacture and the Alberta Building Code;
 - (v) the base of the fire burning area is not less than three hundred (300) millimeters above the surrounding grade; and
 - (vi) the fire chamber does not exceed one and one-quarter (1.25) meters in width and is at least four hundred (400) millimeters but not more than six hundred (600) millimeters in depth.

Clay fire pots are required to meet the above regulations and shall have a layer of sand or gravel in the bottom to prevent burn through.

- (d) "Apparatus" means any vehicle provided with machinery, devices, equipment, or materials for firefighting, as well as any vehicles used for transporting firefighters or supplies.
- (e) "Burnable Debris" applies to farm use only and means the following material;
- (i) grass and weeds;
 - (ii) leaves and tree pruning;
 - (iii) brush and fallen trees on newly cleared land;
 - (iv) wood material from the construction or demolition of builds that does not contain wood preservatives as set out by Alberta Environment;
 - (v) household refuse

All burning of any of the above debris requires a Fire Permit issued by the County Fire Marshalls with the exception of debris when burned in an Acceptable Burning Barrel for farm use only.

- (f) "Contained Fire" means a fire which is confined within a non-combustible structure or container
- (g) "Council" means the Council of Ponoka County
- (h) "Dangerous Goods" means any produce, 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 Control Act, R.S.A. 1980, c. T-65, as amended.

- (i) "Designate means an individual who is authorized by a person specifically identified in this Agreement to act on their behalf.
- (j) "Emergency Services" means Regional Fire Services as established and organized for the County pursuant to the provisions of this By-Law consisting of, inter alia, 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 Regional Fire Services.
- (k) "Emergency Unit" means an ambulance, a fire truck, engine/pumper truck, rescue vehicle, light duty pickup truck, bush buggy, or tender.
- (l) "Equipment" means any tool, contrivances, devices or materials used by the Regional Fire Services to mitigate an incident or other emergency.
- (m) "False Alarm" means any notification to the Regional Fire Services or any member respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or property, wherein such a condition, circumstance or event is in fact not in existence.
- (n) "Fire Marshal" means an individual appointed by Council to issue Fire Permits for open fire burning within the municipal boundaries of Ponoka County.
- (o) "Fire Permit" means a written application in the prescribed form set out by the Regional Fire Services for approval for an Open-Air Fire and includes such other information and requirements as may be required by Ponoka County Regional Fire Services.
- (p) "Fireworks Permit" means an approved administrative application form issued by the Regional Fire Services for Ponoka County allowing the use of fireworks within its municipal boundaries.
- (q) "Fireworks" means the fireworks as identified in Explosives Regulation Section 11 & 36 (2)(f) 2013.
- (r) "Hazard" means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisances.
- (s) "Incident" means a fire or a situation where an explosion is imminent or any other situation where there is a danger or a possible danger to life or property and to which Emergency Services has responded.
- (t) "Incinerator Fire" means a fire that is confined to a non-combustible structure or container which fire is set for the purpose of burning household refuse.
- (u) "Manager" means the Director of Emergency Management of the Regional Fire Service for Ponoka County and performs the duties and responsibilities of the related discipline pertaining to their functional responsibility of the Regional Fire Service or his designate.
- (v) "Member" means:
 - (i) a person who is a duly appointed Member of the Regional Fire Services, who receives remuneration (honorarium) for his or her services at a rate of pay established by Council;
 - (ii) a person who is a duly appointed Member of the Regional Fire Services and who has advised the County in writing that he or she is willing to gratuitously perform his functions under this By-Law; and
 - (iii) a person who is a duly appointed member of the Regional Fire Services resides within the boundaries of the County.
- (v) "Mutual Aid" means the request for additional emergency support to be provided by other emergency service entities as specifically requested by Regional Fire Services.
- (w) "Nuisance" means causing smoke which unreasonably affects the comfort or convenience of an individual and includes interference with use and enjoyment of property.
- (x) "Open Fire" shall mean any Fire which is not a Pit Fire, Public Park Site Fire, and

which, without limiting the generality of the foregoing shall include grass fires, brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.

- (y) "Outdoor Fire" means any fire not contained within a building or structure and shall include fire involving humus soil, piles of coal, farm produce, waste, brush, grass, seed, straw or any fire that has escaped or spread from a building, structure, machine or vehicle and any fire set for the purpose of thawing frozen ground.
- (z) "Peace Officer" means;
 - (i) A member of the Royal Canadian Mounted Police (RCMP), a police service, or
 - (ii) a peace officer appointed under the Peace Officer Act, while the peace officer is in the exercise or discharge of the peace officer's powers or duties;
 - (iii) a By-Law officer authorized and empowered to exercise or discharge the By-Law officer's powers or duties.
- (aa) "Practice" means a gathering of Regional Fire Services members scheduled by the Director of Emergency Management or designate at which training in fire protection services is conducted.
- (bb) "Prohibited Debris" means any material that when burned will result in the release of dense smoke or toxic air contaminants to the atmosphere as outlined in any statute or By-Law written to protect and enhance the environment and shall include but not limited to materials described as;
 - (i) animal cadavers,
 - (ii) animal manure,
 - (iii) chemicals and chemical container
 - (iv) combustible material in automobile bodies
 - (v) combustible material in automobiles,
 - (vi) construction site waste,
 - (vii) household refuse,
 - (viii) non-wooded material,
 - (ix) paints and painting material
 - (x) pathological waste,
 - (xi) rubber or plastic or anything containing or coated with rubber or plastic or similar substances,
 - (xii) rubber or plastic attached to shredded scrap metal,
 - (xiii) straw and stubble,
 - (xiv) toxic substances,
 - (xv) used oil, or
 - (xvi) wood or wood products containing substances for the purpose of preserving wood
- (cc) "Pit Fire" means a fire which is totally confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 12.5 millimeters and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fueled with clean dry wood, charcoal, coal, natural gas or propane.

- (dd) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out-of-doors, obtaining warmth or viewing pleasure. Such fire may only be fueled with seasoned wood, charcoal, natural gas, or propane;
 - i) The portable appliance must be used as to the manufacture installation and usage requirements.
 - ii) No modifications are to be made to the portable appliance.
- (ee) "Property" means any real or personal property, which without limiting the generality of the foregoing, includes land and structures
- (ff) "Public Park Site Fire" means a fire on land owned or leased by the County or its agents for recreational purposes and is confined to a non-combustible container supplied by the County or a Portable Appliance which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fueled with dry wood, charcoal, coal, natural gas, or propane.
- (gg) "Quality Management Plan" means the Joint Fire Quality Management Plan, approved by the Safety Codes Council, as Adopted by Council.
- (hh) "Recreational Fire" means a fire for recreational purposes, which is confined to a non-combustible container, which is set for the purpose of cooking, obtaining warmth, or viewing pleasure. Such fire may only be fueled with seasoned wood, charcoal, natural gas, or propane "Running Fire" means a fire burning without being under the proper or any control of any person.
- (ii) "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 a building, structure, machine or vehicle, excluding an incinerator fire.
- (jj) "County" means Ponoka County.
- (kk) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act. S.A. 1988, c. P-21.5, as amended and Regulations thereunder.
- (ll) "Volunteer Fire Fighter" means a member of the Regional Fire Services.

SECTION 3 – REGIONAL FIRE SERVICES

- (a) Council does hereby establish Regional Fire Services, for the purpose of:
 - (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,
 - (iv) providing rescue, first response medical services,
 - (v) preventing prairie or running fires and enforcing the provisions of the Forest and Prairie Protection Act,
 - (vi) preventing, combating and controlling incidents,
 - (vii) meeting the requirements of the Quality Management Plan for the Fire Discipline,
 - (viii) entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment, and
 - (ix) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property.
- (b) The Regional Fire Services is hereby authorized to control and mitigate incidents involving Dangerous Goods.
- (c) A member may carry on or in a vehicle, other than an emergency vehicle, a lamp that

produces intermittent flashes of green light and may operate the lamp while proceeding to respond to an incident to the fire station within the County boundaries, no person other than a volunteer firefighter (member) shall operate a lamp that produces intermittent flashes of green light.

- (d) Nothing in this section shall be construed so as to permit a member of the Regional Fire Services to operate a vehicle in contravention of the Traffic Safety Act and amendments thereto, the regulations, or any municipal By-Law.

SECTION 4 – DIRECTOR OF EMERGENCY MANAGEMENT

- (a) The authority of the Director of Emergency Management is granted by this By-Law, Ponoka County Policy and the Safety Codes Act. The Director of Emergency Management shall ultimately be responsible to the Chief Administrative Officer.
- (b) The Director of Emergency Management shall be responsible to the Council through the Chief Administrative Officer of the County. The Director of Emergency Management shall be appointed by Council.
- (c) The Director of Emergency Management has complete responsibility and authority over the Regional Fire Services, subject to the direction of Council, and shall, upon approval of Council, prescribe rules, regulations and policies for the ongoing organization and administration of the Regional Fire Services, including but not limited to:
- (i) The use, care and protection of Regional Fire Services property,
 - (ii) The appointment, recruitment, conduct, discipline, duties and responsibilities of the Members, and
 - (iii) The efficient operation of Regional Fire Service Services,
- (d) Regulations, rules or policies made pursuant to Section 4.3 of this By-Law shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- (e) The Director of Emergency Management shall:
- (i) upon approval of the Council, purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance and administration of the Regional Fire Services to be used in connection therewith,
 - (ii) keep or cause to be kept, in proper form, records of all business transactions of the Regional Fire Services, including the purchase or acquisition of equipment, apparatus, materials or supplies and records of fires attended, actions taken in extinguishing fires, inspections carried out and actions taken on account of inspections and any other records incidental to the operation of the Regional Fire Services
 - (iii) upon approval of the Council, negotiate on behalf of the Council, with the Provincial Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements with recommendations and concerns regarding the establishing or renewing of any mutual aid agreement or fire control agreement and amendments thereto, and
 - (iv) perform such functions and have such powers and responsibilities as Council may from time to time prescribe.
- (f) The Director of Emergency Management or designate, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures or things.
- (g) The Director of Emergency Management or designate is empowered to cause Emergency Services to enter on any land or premises including adjacent land or premises, to combat, control or deal with the incident in whatever manner deemed necessary.
- (h) For the purpose of fire investigations and inspections, the Director of Emergency

Management shall designate authority to other officials of the county as deemed necessary in order to discharge the duties and responsibilities under this By-Law.

SECTION 5 – CONTROL OF FIRE HAZARDS

- (a) If the County finds within its Municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the County.
- (b) When the County finds that the order it made pursuant to Section 5 has not been carried out, the County may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard
- (c) The Owner or the person in control of the land on which work was performed pursuant to Section 5 shall on demand reimburse the County for the cost of the work performed in default of payment; such cost or fee may be charged against the land as taxes due and owing in respect of that land

SECTION 6 – REQUIREMENT TO REPORT

- (a) The Owner or his authorized agent of any property damaged by fire shall immediately report to the Regional Fire Services particulars of the fires, which are satisfactory to the Director of Emergency Management or designate.
- (b) The Owner or his authorized agent of any property containing a Dangerous Good(s) product, which sustains as accidental or unplanned release of Dangerous Good(s) product shall immediately report to the Regional Fire Service particulars of the release, which are satisfactory to the Director of Emergency Management or designate.

SECTION 7 – PERMITTED FIRES

- (a) No person shall permit an Open Fire upon land owned or occupied by him or under his control within the County unless:
 - (i) the fire has been set by the Regional Fire Services for the purpose of training
 - (ii) the fire is a Public Park Site Fire
 - (iii) the fire is a Pit Fire
 - (iv) the fire has otherwise been authorized by the Regional Fire Services by way of a fire permit
- (b) All fires are to be supervised by a responsible adult at all times and have a means of extinguishing the fire on hand at all times
- (c) The flames for a backyard fire pit shall not exceed 1 meter in height
- (d) The fire must be extinguished completely, so that the ashes are cold prior to leaving the fire

SECTION 8 – FIRE PERMIT

- (a) No person shall permit an Open Fire or Incinerator Fire upon land owned or occupied within the County except when the landowner is the holder of a subsisting Fire Permit issued pursuant to this By-Law, unless,
 - (i) the fire has been set by the Regional Fire Services for the purpose of training, or
 - (ii) the fire is a Public Park Site Fire
 - (iii) the fire has otherwise been authorized by the Regional Fire Services.

- (b) When issuing a fire permit the Regional Fire Services may issue the permit unconditionally or impose conditions considered appropriate.
- (c) Fire Permits issued pursuant to this By-Law are valid for a period of time to be determined and set by the Regional Fire Services. The fire permit shall have endorsed thereon the period of time for which the said permit is valid.
- (d) The Regional Fire Services may extend the period of time that a fire permit is valid, provided the fire permit has not expired.
- (e) The Director of Emergency Management or designate may terminate, suspend, or cancel a Fire Permit upon contravention of any provision of this By-Law, the Alberta Fire Code, or any terms and conditions found on the Fire Permit
- (f) A Fire Permit is not transferable.
- (g) A Fire Permit may not be issued over the phone prior to a site visit being performed, unless determined that it is reasonable and prudent to do so by the issuer of the permit.

SECTION 9 – FIRE BAN

- (a) Notwithstanding any provision in this or any other By-Law, the Director of Emergency Management or designate may declare a partial or complete ban on any burning of any kind in the County. The County partial or complete fire ban may be imposed as per a fire ban notice being issued in the County.
- (b) When determining whether to declare a partial or complete ban on burning, the Director of Emergency Management or designate may take into consideration any or all of the following factors:
 - (i) the air quality index,
 - (ii) levels of precipitation,
 - (iii) water shortages or restrictions,
 - (iv) availability of firefighters and firefighting equipment, and
 - (v) the overall fire danger.
- (c) No person shall build, ignite or allow any kind of fire when a complete ban on burning is in effect.
- (d) The Regional Fire Service or a Fire Marshall may direct a Person to extinguish any fire when a fire ban is in effect.
- (e) A Person who fails to comply with the direction of a member of the Regional Fire Service, Fire Marshall, or a Peace Officer to extinguish a fire during a fire ban is guilty of an offense under this By-Law and the Regional Fire Service, Fire Marshall or the Peace Officer as the case may be, may extinguish the fire.

SECTION 10 – RECOVERY OF COSTS

- (a) Where the Regional Fire Services has extinguished a fire or responded to a fire call or incident within or outside the County for the purpose of preserving life or property from injury or destruction by fire or other incident, including any such action taken by the Regional Fire Services on a false alarm, the Director of Emergency Management may, in respect of any costs incurred by the Regional Fire Services in taking such action, charge any costs so incurred by the Regional Fire Services at the discretion of the Director of Emergency Management or designate to:
 - (i) the person who caused the incident
 - (ii) the owner of the property or the person in possession of the property where the incident occurred or

- (iii) the owner of the property or the person in possession and control of the property if the location of the incident is not on privately owned land
- (b) The schedule of costs and fees to be charged by the Regional Fire Services for services rendered pursuant to this By-Law shall be as set out in Schedule "A" attached to and forming part of this By-Law
- (c) In respect of the costs or fees described in Section 10.1 and 10.2
 - (i) the County may recover such cost or fee as a debt due and owing to the County, or
 - (ii) in the case of action taken by the Regional Fire Services in respect of land within the County, where the cost or fee is not paid upon demand by the County, then in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land

SECTION 11 – OFFENCES

- (a) Any person who ignites, fuels, supervises, maintains or permits an Open Fire or Incinerator Fire within the municipal boundaries of Ponoka County without a valid Fire Permit as required by this By-Law is guilty of an offense, unless,
 - (i) the fire has been set by the Regional Fire Services for the purpose of training, the fire is a Public Park Site Fire, the fire is a Pit Fire.
 - (ii) the fire has otherwise been authorized by the Regional Fire Services by way of a fire permit
- (b) When a fire is lit under the circumstances described in Section 11 (a) when such fire is not permitted pursuant to this By-Law the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - (i) extinguish the fire immediately, or
 - (ii) where he is unable to extinguish the fire immediately, report the fire to the Regional Fire Services.
- (c) No person either directly or indirectly personally or through an agent, servant or employee kindle a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- (d) No person shall sell, possess, or discharge fireworks in the County unless they have the appropriate permits and licensing for low and/or high risk displays and special events. A Fireworks Permit is required for the purchase, transportation and/or discharge of all levels of fireworks. Fireworks must be purchased from a recognized company that meets all current provincial or federal regulations and standards.
- (e) No person shall:
 - (i) build, ignite or allow any kind of fire when a complete ban on burning has been declared in effect.
 - (ii) light an open fire, pit fire or public park site fire without first taking sufficient precaution to ensure that the fire is not a nuisance and can be kept under control at all times.
 - (iii) permit the flames to exceed 1 meter in height.
 - (iv) light an Incinerator Fire for the purpose of burning household refuse unless the property has recently been annexed county property.
 - (v) light an open fire, pit fire or public park site fire when the weather conditions are conducive to creating a running fire.
 - (vi) place a Pit Fire less than 3.0 meters from any structure including but not limited to a fence, deck, garage, shed or house or any combustible material.

- (vii) burn in a Pit fire or a Public Park Site Fire, garbage, leaves, straw, painted wood, treated construction materials and items made of or containing rubber, metal, plastic, tar or any materials deemed for disposal.
 - (viii) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his own.
 - (ix) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire.
 - (x) conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he/she exercises reasonable care to prevent the fire from occurring.
 - (xi) provide false, incomplete or misleading information to the municipality or to the Regional Fire Services on or with respect to the Fire Permit.
 - (xii) interfere with the efforts of persons authorized in this By-Law to extinguish fires or preserve life or property.
 - (xiii) interfere with the operation of any of the Regional Fire Services equipment or apparatus required to extinguish fires or preserve life or property.
 - (xiv) damage or destroy Regional Fire Services property.
 - (xv) move any fire hose or drive a vehicle over any fire hose at any fire without permission of the Regional Fire Services member in charge.
 - (xvi) place or cause to be placed, any matter or thing, so as to obstruct or interfere with the operation or use of any fire hydrant, Regional Fire Services water inlet or outlet connections on buildings, fire alarm control panels, manual alarm stations, or any fire detection device or equipment.
 - (xvii) other than the employee of the County Public Works Department or a member of the Regional Fire Service shall use a fire hydrant for the purpose of obtaining or discharging water from such hydrant without first receiving permission from the Public Works Foreman or the Director of Emergency Management or designate.
 - (xviii) obstruct or otherwise interfere with access roads or streets or other approaches to any fire hydrants, cisterns, or bodies of water designated for firefighting purposes.
 - (xix) falsely represent themselves as a Regional Fire Services member or wear or display any Emergency Services badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
 - (xx) use a fire to burn prohibited debris.
- (f) No person shall obstruct, prevent, or refuse to admit a fire inspector or investigator, to or upon any land, premises, yards, or buildings, for the purpose of inspecting or investigating on the same, or who incites or abets such shall be considered in breach of this By-Law.
- (g) Nothing in this By-Law shall be deemed to authorize any fire, burning, or other act which is in contravention of the Environmental Protection and Enhancement Act, S.A. 1992, c. E-13.3 and amendments thereto, or any regulation made hereunder, and in the event of any conflict between the provisions of this By-Law and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

SECTION 12 – PENALTIES

- (a) A person who contravenes any provision of this By-Law shall be deemed to be guilty of an offence and upon conviction is liable to a fine of not less than Two Hundred Fifty (\$250) Dollars and not more than Two Thousand Five Hundred (\$2500) Dollars. No person found guilty of an offense under this By-Law shall be liable for imprisonment.
- (b) Where a person:

- (i) fails to obtain a Fire Permit as requested under this By-Law.
 - (ii) obtains a Fire Permit as provided for in this By-Law but fails to follow the provisions of the By-Law or the conditions outlined on the Fire Permit as defined herein, or
 - (iii) originally did not require a Fire Permit but whose actions brought an Open Air Fire under the requirements for a Fire Permit as defined herein.
 - (iv) causes/ignites a fire beyond the control of the person or other incident results there from then such a person shall be liable to pay all the costs for emergency response incurred by the Regional Fire Service, and the County shall be able to recover from such person all such costs as a debt owing to the municipality.
- (c) A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this By-Law.
- (d) A Violation Ticket may be issued to such person:
- (i) either personally, or,
 - (ii) by mailing a copy to such person at their last known address.
- (e) Where a contravention of this By-Law is of a continuing nature, further Violation Tickets or Summons may be issued by a Peace Officer, provided that no more than one Violation Ticket or Summons shall be issued for each calendar day that the contravention continues.
- (f) Where a Violation Ticket is issued pursuant to this By-Law, the person to whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Ticket.
- (g) Nothing in this By-Law shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this By-Law.

SECTION 13 – VIOLATION TICKET

- (a) If the penalty specified on a Municipal Violation Ticket is not paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedures Act.
- (b) Notwithstanding any other provision of this By-Law, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-Law.

SECTION 14 – SEVERABILITY

- (a) Should any section or part of this By-Law be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of the By-Law and the By-Law remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this By-Law

SECTION 15 – REPEAL

This By-Law shall repeal By-Law 6-16-FP.

Given first reading this 25th day of January, 2022 and was carried unanimously.

Given second reading this 25th day of January, 2022 and was carried unanimously.

By unanimous consent of Council to proceed at this time with 3rd reading to By-Law 3-22-FP;

By-Law 3-22-FP was given third and final reading this 25th day of January, 2022 and was finally passed.

Reeve

Chief Administrative Officer

Schedule "A"

Ponoka County Regional Fire Service Fees and Charges, at the discretion of the Director of Emergency Management and/or District Fire Chief(s), can be up to and including:

1. Responses

Response to a Fire, Rescue, Dangerous Goods, or other incident on any property other than provincial highways

- The apparatus costs shall be as per the current Alberta Transportation rates for fire apparatus or the current Alberta Roadbuilders Heavy Construction Association rates for various heavy equipment self-propelled and fully manned
- Administrative costs and the cost for replacement of equipment and/or materials used, lost or damaged as a result of the response

Fire, Dangerous Goods, and Rescue Responses on provincial highways

- The apparatus costs shall be as per the current Alberta Transportation rates for fire apparatus or the current Alberta Roadbuilders Heavy Construction Association rates for various heavy equipment self-propelled and fully manned
- Cost for replacement of equipment and/or materials used, lost or damaged as a result of the response

Response to a Fire, Rescue, Dangerous Good or other incident on railway property

- The apparatus costs shall be as per the current Alberta Transportation rates for fire apparatus or the current Alberta Roadbuilders Heavy Construction Association rates for various heavy equipment self-propelled and fully manned
- Administrative costs and the cost for replacement of equipment and/or materials used, lost or damaged as a result of the response

Emergency Responses (excluding ambulance calls) to other Municipalities

- The apparatus costs shall be as per the current Alberta Transportation rates for fire apparatus or the current Alberta Roadbuilders Heavy Construction Association rates for various heavy equipment self-propelled and fully manned.
- Cost for replacement of equipment and/or materials used, lost or damaged as a result of the response
- or Hourly rates as set in mutual aid agreements

Fire Pit Violations

- \$250.00 for the first offense
- \$500.00 for the second offense
- \$1000.00 for an offense while a fire ban is in effect

False Alarm Responses (after 2)

- Written Warning for first offence
- \$100.00 for second offence
- \$200.00 for third offence
- \$300.00 all subsequent offences

2. Inspections

Emergency/Urgent Inspection (Less than 1 business day notice):

- \$100.00

Second Inspection with compliance on outstanding violation

- \$75.00
Without compliance
- \$150.00

Third Inspection with compliance on outstanding violations

- \$75.00
Without compliance
- \$300.00

Subsequent inspections with compliance on violations

- \$75.00
Without compliance
- \$450.00

Missed/Unprepared Inspection Appointment

- \$75.00

3. Miscellaneous Fees

File Search/Report Copies	\$35.00 per search
Occupancy Load Certificate	\$75.00 per certificate
Fire Investigation Report	\$100 per report
Fire Investigation Photograph	\$5.00 per photograph
	\$25.00 per CD
Air Refill (Breathing Air)	\$35.00 per cascade bottle
Private Hydrant Flow Test	
(New installations):	\$265.00 per hydrant
Hydrant test data (file search)	\$30.00

4. Apparatus Fee:

The apparatus costs shall be as per the current Alberta Transportation rates for fire apparatus or the current Alberta Roadbuilders Heavy Construction Association rates for various heavy equipment self-propelled and fully manned.

Response fees may apply for the following types of responses:

- a) vehicle fires or vehicle extrication
- b) grass fires on railway right-of-way
- c) train derailment or train fire
- d) grass fires in ditches or median on numbered highways
- e) aviation incidents
- f) any response that may warrant a fee charge
- g) stand-by for dangerous goods incidents and controlled burns

All responses will be billed at a one hour minimum with half hour increments. Cancelled calls will be billed if emergency vehicles leave the hall. If call is cancelled prior to emergency vehicles leaving the hall, no fee will be charged.