THE CITY OF SPRUCE GROVE

BYLAW C-904-15

FIRE SERVICES BYLAW

A bylaw of the City of Spruce Grove in the Province of Alberta for the purpose of establishing a fire service in and for the City of Spruce Grove.

WHEREAS, the Municipal Government Act, R.S.A., 2000, c. M-26 and amendments thereto, provides that the Council of a municipality may pass a bylaw for the safety, health and welfare of people and the protection of people and property; and

WHEREAS, the Municipal Council of the City of Spruce Grove wishes to establish a fire service within the City and to provide for efficient operation of such services;

NOW THEREFORE, the Municipal Council of the City of Spruce Grove, duly assembled, hereby enacts as follows:

1. GENERAL

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

1.2. All references in this bylaw shall be read with such changes in number and gender as may be considered appropriate according to whether the reference is made to a male or female, or a corporation or partnership.

2. DEFINITIONS

2.1. "Alarm No Fire" means a request for a fire response to a location where no fire exists but the means of detection worked as designed, or the activator of the alarm did so with the real belief that there was in fact a fire. Examples include a detector activating because it detected the products of combustion that it was designed to detect, or a person activating a manual pull station because they had reasonable reason to believe a fire existed.

2.2. "Apparatus" means any vehicle utilized by the fire service including but not limited to pumper trucks, rescue trucks, command vehicles, ambulances, utility vehicles, and trailers.

2.3. "Chief Administrative Officer" means the person appointed as chief administrative officer of the City pursuant to the Municipal Government Act, RSA 2000 c. M-26, and City of Spruce Grove Bylaw #C-539-04, or designate.
2.4. "City" means the City of Spruce Grove.

2.5. "Council" means the duly elected Council of the City of Spruce Grove.

2.6. "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 Dangerous Goods Transportation and Handling Act, R.S.A. 2000, c D-4 as amended and regulations thereunder.

2.7. "Equipment" means any tools, contrivances, devices or materials used by the Fire Services to combat an incident or other emergency.

2.8. "False Alarm" means any fire alarm that is set out needlessly, through wilful or accidental human or mechanical error, and to which the Fire Service responds.

2.9. "Fees and Charges Schedule" means the Fees and Charges Schedule as amended or replaced from time to time by resolution of Council, herein attached as Schedule A.

2.10. "Fire Chief" is the Manager of Fire Services for the City of Spruce Grove and performs the duties and responsibilities as assigned by this bylaw.

2.11. "Fire Services" means Spruce Grove Fire Services as established and organized for the City of Spruce Grove pursuant to the provisions of this bylaw consisting of, but not limited to, all persons appointed or recruited to various positions, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Services, including fire stations.

2.12. "Fire, Fireworks, or Storage Tank System Permit Application" shall mean an application form prescribed by the Fire Services for the purposes of applying for a Fire, Fireworks, or Storage Tank System Permit.

2.13. "Fire, Fireworks, or Storage Tank System Permit" shall mean a Fire, Fireworks, or Storage Tank System Permit in a form or forms prescribed by the Fire Services.


2.15. "Incident" means a fire, a situation where a fire or explosion is imminent, or any other situation where there is a danger or a possible danger to life, property, or environment and to which Fire Services has responded or is responding.

2.16. "Member" means any person who is a duly appointed to the Fire Services.
2.17. "Open Fire" shall mean any fire, including but not limited to; grass fires, forest and brush fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires.

2.18. “Owner” includes a lessee, a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership.

2.19. “Peace Officer” means a member of the Royal Canadian Mounted Police or a Peace Officer appointed under the Peace Officers Act, SA 2006, c P-3.5 and employed by the City of Spruce Grove.

2.20. "Portable Appliance" means any appliance, commonly referred to as a barbeque, sold or constructed for the purpose of cooking food outdoors.

2.21. "Public Park Site Fire" means a fire on land owned or leased by the City of Spruce Grove or its agents for recreational purposes and is confined to a non-combustible container supplied by the City of Spruce Grove, as approved by the Fire Service, which is set for the purpose of cooking food, obtaining warmth or viewing pleasure. Such fire may only be fuelled with dry wood.

2.22. “Storage Tank System” means a storage tank system including a storage tank as defined within the Alberta Fire Code.

2.23. "Terms and Conditions" shall mean those terms and conditions prescribed by the Fire Services and which shall form part of the Fire, Fireworks, or Storage Tank System Permit Application and the Fire, Fireworks, or Storage Tank System Permit.

2.24. “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, RSA, 2000, c. P-34 as amended and regulations thereunder.

3. FIRE SERVICES

3.1. The Council does hereby establish Fire Services for the purpose of:

   a. Preventing and extinguishing fires;
   b. Investigating the cause of fires;
   c. Preserving life and property, and protecting persons and property from injury or destruction by fire;
   d. Providing rescue, ambulance, and emergency medical services;
e. Preventing, combating and controlling incidents;
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; and
h. Controlling and mitigating incidents involving dangerous goods.

4. FIRE CHIEF

4.1. The Chief Administrative Officer shall appoint the Fire Chief.

4.2. The Fire Chief shall be responsible to the Council through the Chief Administrative Officer.

4.3. The Fire Chief has complete responsibility and authority over the Fire Services, subject to the direction of the Chief Administrative Officer, and may prescribe rules, regulations and policies for the ongoing organization and administration of the Fire Services, including but not limited to:
   a. The use, care and protection of Fire Services property;
   b. The conduct, discipline, duties and responsibilities of the members; and
   c. The efficient operation of the Fire Services.

4.4. Regulations, rules or policies made pursuant to Section 4.3 of this bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta or policies of the City of Spruce Grove.

4.5. The Fire Chief shall:
   a. As per city policy and procedures, purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance and administration of Fire Services to be used in connection therewith;
   b. Keep or cause to be kept, in accordance with City policies, records of all business transactions of 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 Fire Services;
c. Negotiate, subject to the approval of Council, with the Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements with recommendations and concerns regarding establishing or renewing any mutual aid agreement or fire control agreement or amendments thereto; and

d. Perform such functions and have such powers and responsibilities as Council may from time to time prescribe.

4.6. The Fire Chief, or any other member in charge at an incident, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.

4.7. The Fire Chief, or any other member in charge at an incident, may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized by him.

4.8. The Fire Chief, or any other member in charge at an incident, may at his discretion call upon Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in section 4.7.

4.9. The Fire Chief, or any other Member in charge at an incident, is empowered to cause Fire Services to enter on any land or premises, including adjacent land or premises, to combat, control or deal with an incident in whatever manner he deems necessary to limit injury to persons, loss of life, or damage to property or the environment.

4.10. The Fire Chief, or any other member in charge of an incident may obtain assistance from other officials of the municipality as he deems necessary in order to discharge his duties and responsibilities at an incident or emergency scene.

4.11. The Fire Chief, or any other member in charge of an incident, may require persons who are not members to assist in extinguishing a fire, removing furniture, goods, or merchandise from any building on fire or in danger thereof and in guarding and securing same, and in demolishing a building or structure at or near the fire or other incident.

4.12. The Fire Chief, or any other member in charge of an incident, is empowered to commandeer privately owned equipment, which he considers necessary to deal with an incident.

4.13. The Fire Chief, or any other member in charge of an incident, is empowered to activate and utilize any mutual aid agreements the City may have with other municipalities or industry.
5. **AMBULANCE SERVICES**

5.1. All Fire Services equipment used for ambulance and emergency medical services shall be equipped and operated in accordance with the legislation and regulations of the Province of Alberta.

6. **CONTROL OF HAZARDS**

6.1. If the Fire Service finds conditions that in its opinion constitute a fire hazard within the City’s municipal boundaries on privately owned land or occupied public land, it may, in accordance with the *Alberta Safety Codes Act*, 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.

6.2. When the Fire Service finds that the order it made pursuant to the *Safety Codes Act* has not been carried out, the Fire Service may take whatever action is necessary in accordance with the *Alberta Safety Codes Act* to ensure compliance with the order.

6.3. When an order is carried out under section 6.2, in accordance with the *Safety Codes Act*, the City may place the amount of the expenses incurred in carrying out the order on the tax roll as an additional tax against the land concerned, and that amount:

   a. forms a lien on the land in favour of the municipality; and

   b. is, for all purposes, deemed to be taxes imposed and assessed on the land and in arrears under the *Municipal Government Act* from the date the amount was placed on the tax roll, and that Act applies to the enforcement, collection and recovery of the amount.

7. **REQUIREMENT TO REPORT**

7.1. The owner of any property damaged by fire or his authorized agent shall immediately report to Fire Services particulars of the fire in a manner satisfactory to the Fire Chief.

7.2. The owner or his authorized agent of any property containing a dangerous good(s) product, which sustains an accidental or unplanned release of the dangerous good(s) product, shall immediately report to the Fire Services particulars of the release, in a manner satisfactory to the Fire Chief.

8. **PERMITS**

8.1. No person shall permit an open fire upon land owned or occupied by him or under his control within the City except when he is the holder of a subsisting fire permit issued pursuant to this bylaw, unless:
a. The fire has been set by the Fire Services for the purpose of training or controlling hazards;
b. The fire is a Public Park Site Fire; or
c. The fire is in a portable appliance and the appliance is used in accordance with the Safety Codes Act and the Alberta Fire Code.

8.2. No person shall possess, sell, purchase, or discharge fireworks within the City except when he is the holder of a subsisting fireworks permit issued pursuant to the Alberta Fire Code.

8.3. Any person wishing to obtain a Fire, Fireworks, or Storage Tank System Permit must complete a Fire, Fireworks, or Storage Tank System Permit Application and submit the completed application to Fire Services.

8.4. Upon receipt of a completed Fire, Fireworks, or Storage Tank System Permit Application, the Fire Services shall consider the Fire, Fireworks, or Storage Tank System Permit Application and may in the Fire Chief’s sole and absolute discretion:

a. Refuse to grant a Fire, Fireworks, or Storage Tank System Permit;
b. Grant a Fire, Fireworks, or Storage Tank System Permit; or
c. Grant a Fire, Fireworks, or Storage Tank System Permit upon such additional Terms and Conditions, as the Fire Services deems appropriate.

8.5. A Fire, Fireworks, or Storage Tank System Permit shall not be transferable.

8.6. A Fire, Fireworks, or Storage Tank System Permit must be presented to the Fire Chief, a member, or Peace Officer upon request.

8.7. Fire, Fireworks, or Storage Tank System Permits issued pursuant to this bylaw are valid for such period of time as shall be determined and set by the Fire Chief or designate and the Fire, Fireworks, or Storage Tank System Permit shall have endorsed therein the period of time for which the said permit is valid.

8.8. The Fire Service may extend Fire, Fireworks, or Storage Tank System Permits beyond the period of time that a permit is valid, provided the permit has not expired before the request to extend has been made.
8.9. The Fire Service may, at its sole and absolute discretion, terminate a Fire, Fireworks, or Storage Tank System Permit Application and suspend or cancel a Fire, Fireworks, or Storage Tank System Permit at any time.

8.10. Each Fire, Fireworks, or Storage Tank System Permit Application and Fire or Fireworks, or Storage Tank System Permit must contain the following information:

a. The name, address and telephone number of the applicant;

b. The reason the Fire, Fireworks, or Storage Tank System Permit is required;

c. The legal description of the land on which the applicant proposes to set a fire; or possess, sell, discharge, purchase fireworks; or install, remove, or alter a Storage Tank System;

d. The type and description of material which the applicant proposes to burn;

e. The type of fireworks involved and amount to be used;

f. The period of time for which the Fire, Fireworks, or Storage Tank System Permit is valid;

g. The additional terms and conditions, if any, that must be taken by the applicant to ensure safety; and

h. An acknowledgement by the applicant that the applicant has read and agrees to comply with the Terms and Conditions as set out on the Fire, Fireworks, or Storage Tank System Permit Application or Fire, Fireworks, or Storage Tank System Permit.

8.11. No person shall install, remove, or alter a storage tank system used for flammable or combustible liquids without a permit issued by the Fire Service.

8.12. Nothing in this bylaw shall be deemed to authorize any fire, burning or other act, which is in contravention of the Environmental Protection and Enhancement Act, RSA. 2000, c. E-12 as amended, or any regulation made thereunder, and in the event of any conflict between the provisions of this bylaw and the said act or regulations; the provisions of the said act or regulations shall take precedence.

9. RECOVERY OF COSTS
9.1. Where Fire Services has taken any action whatsoever for the purpose of extinguishing a fire or responding to an incident within or outside the City or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside the City, including any such action taken by Fire Services on a false alarm or alarm no fire, the Fire Chief may, in respect of any costs incurred by Fire Services in taking such action, charge any costs so incurred by Fire Services to the person who caused the incident or the owner or occupant of the land/structure/vehicle in respect of which the action was taken.

   a. Where Fire Services performs inspections, investigations, charges air systems, delivers courses or performs any other service listed in the Fees and Charges Schedule (Schedule A), the Fire Chief may charge the fees listed in the Fees and Charges Schedule.

9.2. The schedule of costs and fees to be charged by Fire Services for services rendered pursuant to this or any other bylaw shall be as set out in the Fees and Charges Schedule (Schedule A).

9.3. In respect of the costs or fees described in Sections 9.1 and 9.2:

   a. The City may recover such cost or fee as a debt due and owing to the City; or

   b. In the case of action taken by Fire Services in respect of land within the City, where the cost or fee is not paid upon demand by the City, then in default of payment, such cost or fee may be added to that property’s tax roll; or

   c. In the case where a person has caused an incident, the City may add the amount owing to the tax roll of any property for which the person is the assessed person.

10. FIRE INSPECTION SURCHARGE

   10.1. As Fire Services is responsible for enforcement of the Alberta Fire Code and the Alberta Fire Code has requirements not only during construction but thereafter for the life of the building, a surcharge is hereby attached to all building permits issued by the City.

   10.2. The surcharge identified in section 10.1 of this bylaw shall be collected by the City with regard to all building permits issued and purchased on or after June 1, 2015.

11. OFFENCES
11.1. Any person who ignites, fuels, supervises, maintains or allows an open fire within the municipal boundaries of the City of Spruce Grove without a valid fire permit as required by this bylaw is guilty of an offence, unless:

a. The fire has been set by the Fire Services for the purpose of training or controlling hazards;

b. The fire is a Public Park Site Fire;

c. The fire is in a portable appliance and the appliance is used in accordance with the Safety Codes Act and the Alberta Fire Code; or

d. The fire has otherwise been authorized by Spruce Grove Fire Services.

11.2. When a fire is lit under the circumstances described in Section 11.1 when such fire is not permitted pursuant to this bylaw, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:

a. Extinguish the fire immediately; or

b. Where he is unable to extinguish the fire immediately, report the fire to the Fire Services.

11.3. A member or a Peace Officer may order any fire not permitted under this bylaw or by a permit issued under this bylaw to be extinguished immediately.

a. Any person ordered under section 11.3 to extinguish a fire shall immediately and without delay completely extinguish the fire and shall ensure the fire remains out until such time as a permit, under this bylaw, is issued.

11.4. No person shall:

a. Allow, authorize, permit, or continue to burn garbage, leaves, straw, coal, painted wood, treated construction materials or items made of or containing rubber, plastic, tar or any materials deemed for disposal;

b. Deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire;

c. Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring; or
d. Provide false, incomplete or misleading information to the Fire Services or to the City on or with respect to a Fire, Fireworks, or Storage Tank System Permit Application,

11.5. No person shall:

a. Interfere or obstruct the efforts of persons authorized in this bylaw to extinguish fires or preserve life, property, or the environment;

b. Interfere with the operation of any Fire Services equipment or apparatus required to extinguish fires, preserve life, property, or environment;

c. Damage or destroy Fire Services property;

d. Falsely represent himself as a Fire Services member or wear or display any Fire Services badge, cap, button, insignia or other paraphernalia for the purpose of such false representation;

e. Discharge, posses, sell, or purchase any fireworks without a permit issued in accordance with this bylaw and the Alberta Fire Code;

f. Enter the boundaries or limits of an area prescribed in accordance with section 4.7 of this bylaw unless authorized by the Fire Chief or member in charge; or

g. Drive a vehicle over any fire hoses or other equipment without the permission of the Fire Chief or the member in charge.

11.6. A member in charge of an incident or Peace Officer may at any time cause any vehicle to be removed and taken to and stored, at the vehicle owners expense, in a suitable place when the vehicle prevents access by the Fire Service to a fire hydrant, access road, street, fire alarm, cistern or other body of water designated for firefighting purposes, or any connections provided for sprinkler systems, stand pipes, or any other item designed for firefighting.

12. PENALTIES

12.1. A person who contravenes any section, excluding section 4, of this bylaw, or who fails to comply with any condition in a permit, with any order, or request directed to him pursuant to this bylaw, is guilty of an offence and liable:
a. if the offence is a contravention of Section 11.4 of this bylaw, to a fine of not less than $250.00 and not more than $10,000.00;

b. to the minimum fine established in the Fees and Charges Schedule of this bylaw; or

c. to a fine of not more than $10,000.00.

12.2. Notwithstanding Section 12.1, any person who contravenes Section 11.3.a or 6.2 of this bylaw is guilty of an offence and liable to a fine of not less than $2,500.00.

12.3. 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 bylaw.

12.4. Where a contravention of this bylaw is of a continuing nature:

a. Further violation tickets may be issued by the Peace Officer, provided that no more than one violation ticket shall be issued for each day that the contravention continues.

b. In accordance with the Provincial Offence Procedures Act and the Criminal Code of Canada, a Peace Officer may arrest a person where he believes on reasonable and probable grounds that the public interest, having regard to all the circumstances including the need to prevent the continuation or repetition of the offence or the commission of another offence, may not be satisfied without arresting the person.

12.5. The minimum fine identified in the Fees and Charges Schedule (Schedule A) of this bylaw may be used as a voluntary penalty on a violation ticket issued by a Peace Officer.

12.6. Nothing in this bylaw shall prevent a Peace Officer from issuing a violation ticket with a mandatory Court appearance to any person who contravenes any provision of this bylaw.

13. MEMBER PROTECTION

13.1. The Fire Chief or a member of the Fire Service charged with any duty via this bylaw, acting in good faith and without malice for the municipality in the discharge of his duties, shall not hereby render himself liable personally for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.
13.2. If because of the performance of their duties, a member of the Fire Services is sued, the City shall provide legal defence until the final determination of the proceedings.

14. SEVERABILITY

14.1. If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

15. EFFECTIVE DATE

15.1. This bylaw shall come into full force and effect upon date of final passing.

16. REPEAL OF BYLAWS C-501-03

16.1. Bylaw C-501-03 is repealed with the coming into full force of this bylaw.

First Reading Carried 09 March 2015
Second Reading Carried 09 March 2015
Third Reading Carried 23 March 2015
Date Signed 25 March 2015

__________________________
Mayor

__________________________
City Clerk
### SCHEDULE A – FEES AND CHARGES SCHEDULE

#### MINIMUM AND VOLUNTARY PENALTIES

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<tr>
<th>Section</th>
<th>Offence</th>
<th>Penalty/Fine</th>
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<tbody>
<tr>
<td>7.1</td>
<td>Fail to report fire</td>
<td>$100.00</td>
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<tr>
<td>7.2</td>
<td>Fail to report dangerous goods release/spill</td>
<td>$250.00</td>
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<tr>
<td>8.1</td>
<td>Permit open fire without fire permit</td>
<td>$100.00</td>
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<td>8.2</td>
<td>Possess fireworks without permit</td>
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<td>8.2</td>
<td>Discharge fireworks without permit</td>
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<td>8.2</td>
<td>Sell fireworks without permit</td>
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<td>8.11</td>
<td>Install/remove/alter storage tank system</td>
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<td>11.1</td>
<td>Permit open fire without fire permit</td>
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<tr>
<td>11.4.a</td>
<td>Burn prohibited items</td>
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<td>11.4.c</td>
<td>Conduct activity that may cause fire</td>
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<td>11.4.d</td>
<td>Provide false/incomplete/misleading information</td>
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<tr>
<td>11.5.a</td>
<td>Interfere with persons authorized by bylaw</td>
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<td>11.5.b</td>
<td>Interfere with equipment/apparatus</td>
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<td>11.5.c</td>
<td>Damage/destroy fire services property</td>
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<td>11.5.d</td>
<td>Falsely represent self as fire service member</td>
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<td>11.5.e</td>
<td>Discharge fireworks without permit</td>
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<td>11.5.e</td>
<td>Sell fireworks without permit</td>
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<td>11.5.f</td>
<td>Enter boundaries established by fire service</td>
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<td>11.5.g</td>
<td>Drive vehicle over equipment</td>
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#### FEES

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<td>8.1</td>
<td>Open fire permit</td>
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<td>8.2</td>
<td>Fireworks permit</td>
<td>City sponsored event</td>
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<td>Non-City sponsored</td>
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<td>8.11</td>
<td>Storage tank system permit</td>
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<td>9.1</td>
<td>Structure fires</td>
<td>Less than 1 hour</td>
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<td>No fire insurance</td>
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<td>Fire insurance, greater than 1 hour</td>
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<td>Fire Service Agreements</td>
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<tr>
<td>9.1</td>
<td>Motor vehicle incidents/fires</td>
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</table>
9.1 Dangerous goods incidents $600.00 per hour or portion thereof plus any additional expenses from other responding companies, agencies or mutual aid partners

9.1 False Alarms
   System maintained in accordance with Alberta Fire Code
   First No charge
   Second within a 6 month period No charge
   Third or subsequent within a 6 month period $100.00 per response
   System not maintained in accordance with Alberta Fire Code
   First $200.00
   Second within a 6 month period $300.00
   Third or subsequent within a 6 month period $500.00

9.1 Alarm No Fire
   System maintained in accordance with Alberta Fire Code No charge
   System not maintained in accordance with Alberta Fire Code
   First $200.00
   Second within a 6 month period $300.00
   Third or subsequent within a 6 month period $500.00

9.1.a Requested fire inspections/investigations
   Commercial $100.00 per hour or portion thereof
   Dwelling No charge
   Occupancy permits $100.00

9.1.a File searches $75.00
9.1.a Fire Standby $600.00 per hour or portion thereof

9.1.a Fire programs and courses Rate set by Fire Chief based on industry rates and costs incurred

9.1.a First aid/EMR/EMT courses Rate set by Fire Chief based on industry rates and costs incurred

9.1.a Air cylinder recharge
   Cascade bottle $20.00
   $50.00

10.1 Building permit surcharge As per City of Spruce Grove Development Fees Bylaw