

**TOWN OF LEGAL
BYLAW #05-2022
FIRE SERVICES BYLAW**

BEING A BYLAW OF THE TOWN OF LEGAL, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING AND OPERATING FIRE SERVICES, PROVIDING A PERMITTING SYSTEM FOR FIRES AND FIREWORKS, AND AUTHORIZING THE RECOVERY OF FEES, EXPENSES AND CHARGES.

WHEREAS, the *Municipal Government Act* provides that a council may pass bylaws respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) services provided by or on behalf of the Town; and
- c) the enforcement of bylaws;

AND WHEREAS, the *Municipal Government Act* further provides that a municipality may pass bylaws to regulate, prohibit and impose a system of licenses, permits or approvals and may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing fires;

AND WHEREAS, the *National Fire Code – 2019 Alberta Edition* contemplates that municipalities will regulate the use, sale, and storage of fireworks within their jurisdiction;

AND WHEREAS, the Town of Legal wishes to provide for the prevention and control of fires within its boundaries;

NOW THEREFORE, Council of the Town of Legal in the Province of Alberta, duly assembled, enacts as follows:

PART I – INTERPRETATION AND DEFINITIONS

1.0 Bylaw Title

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

2.0 Definitions

2.1 In this Bylaw:

- (a) “AGREEMENT” means the Fire Services Agreement entered into between the Town and Sturgeon County respecting the provision of Fire Protection within the boundaries of the Town by Sturgeon County;
- (b) “APPARATUS” means any vehicle provided with machinery, devices, equipment or materials for firefighting operated by or for Fire Services whether that vehicle operates on land, in the air, or on the water;
- (c) “APPROVED FIRE PIT” means an outdoor receptacle that meets the following specifications:
 - (i) is fully enclosed on all sides and constructed entirely from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;
 - (ii) height does not exceed sixty (60) centimeters when measured from the surrounding grade to the top of the pit covering;
 - (iii) opening does not exceed one (1) metre in width or in diameter when measured between the widest points or outside edges;
 - (iv) is set upon or built into the bare ground or on a non-combustible material such as brick, stone or concrete;
 - (v) is not located over any underground utilities;
 - (vi) is a minimum of one (1) meter laterally and five (5) meters vertically from any aboveground wires;
 - (vii) when measured from the nearest edge must be a minimum of four (4) meters from any part of the residence including overhang;
 - (viii) when measured from the nearest edge must be a minimum of three (3) meters from any property line, out buildings, or combustible materials such as fences or trees;
 - (ix) when in operation, shall have a spark arrester screen with maximum openings of one-half (½) inch; and

- (x) as may otherwise be determined by the Fire Chief having regard to health, safety, hazards and risks;
- (xi) If there is no place on the property where a fire pit may be located using the above specifications, a variance may be applied for, if in the opinion of the Fire Chief or his designate, such safeguards and precautions are in place and that the fire pit will be used safely, a variance may be granted by the Fire Chief or his designate with the person or persons requesting the variance.
- (d) "BURNABLE DEBRIS" has the same meaning given to it in the *Substance Release Regulation*, and includes all combustible waste other than the Prohibited Debris as well as cardboard and paper products;
- (e) "BURNING BARREL FIRE" means a fire confined to an outdoor receptacle that meets the following specifications:
 - (i) non-combustible structure or container that has draft holes no larger than five (5) millimeters in diameter;
 - (ii) equipped with a heavy gauge metal screen to contain sparks over the fire at all times, with a mesh size not greater than sixteen (16) millimeters secured in place with latches or weights;
 - (iii) which is lit for the purpose of burning household refuse or other Burnable Debris; and
 - (iv) is not located over underground utility services or below aboveground wires;
- (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 property or damage property;
- (g) "CHIEF ADMINISTRATIVE OFFICER" means the individual appointed as the chief administrative officer of the Town by resolution of Council in accordance with *Municipal Government Act*, or their delegate;
- (h) "COUNCIL" means the duly elected council of the Town;
- (i) "DANGEROUS GOODS" means any material or substance that may constitute an immediate or long-term adverse effect to life, health, Property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage, or transportation environment and shall include those products, substances, and organisms that are covered by the *Transportation of Dangerous Goods Regulations*;
- (j) "ENFORCEMENT OFFICER" has the same meaning given to it in the *Provincial Offences Procedures Act*;
- (k) "EQUIPMENT" means any tools, devices or materials used by Fire Services to combat an Incident or other emergency;
- (l) "FALSE ALARM" means any notification, by whatever means received, to Fire Services respecting the existence of a condition, circumstance, fire or other event containing an imminent, serious danger to Persons or Property, wherein such condition, circumstance, fire or other event does not, in fact, exist;
- (m) "FIRE ADVISORY" means an order issued pursuant to this Bylaw for the purpose of fire prevention and cessation of all Fire Permits and Fireworks Permits for the duration of the advisory;
- (n) "FIRE BAN" means any fire ban, whether municipally or provincially declared, that prohibits fires in all or part of the Town;
- (o) "FIRE CHIEF" means the individual appointed by Sturgeon County as fire chief for the Town, in accordance with the Agreement, or their delegate;
- (p) "FIRE PERMIT" means a permit issued by the Fire Chief, authorizing the setting of a specific type of fire;
- (q) "FIRE PROTECTION" includes any of the services enumerated in Section 4.0 of this Bylaw and includes any other services delivered by or for Fire Services that is authorized by Council;
- (r) "FIRE PROTECTION CHARGES" means all rates, fees, and charges payable for, or in connection with, Fire Services in providing fire protection within the Town;
- (s) "FIRE SERVICES" means the fire department established and organized by Sturgeon County to provide Fire Protection within the boundaries of the Town, in accordance with the Agreement, and shall include all Members and Fire Services Property;
- (t) "FIREWORKS" means the pyrotechnics classified as fireworks pursuant to the *Explosives Act* and its *Regulations*, including consumer fireworks, display fireworks and special effect pyrotechnics, but does not include firecrackers or explosive devices;
- (u) "FIREWORKS PERMIT" means a permit, issued by the Fire Chief, authorizing the possession, handling, discharge, firing or setting off of Fireworks in the Town;

- (v) "INCIDENT" includes a fire or any situation where a fire or explosion is imminent or any other emergency where there is a danger or possible danger to life or Property;
- (w) "MEMBER" means any Person who is duly appointed as a member of Fire Services;
- (x) "MEMBER IN CHARGE" means the Fire Chief, or in the absence of the Fire Chief, the highest-ranking Member who first arrives at the scene of an Incident;
- (y) "OCCUPANT" means any Person that is in possession, control or occupation of Property;
- (z) "OWNER" means any Person listed on title as the registered owner of Property at the Land Titles Office;
- (aa) "PERSON" includes any individual, firm, partnership or body corporate;
- (bb) "PROHIBITED DEBRIS" has the same meaning given to it in the *Substance Release Regulation*; including any combustible waste that when burned may result in the release to the atmosphere of dense smoke, offensive odors, or toxic substances (such as but not limited to animal manure, non-wooden material, waste material from construction sites, excluding wooden materials that do not contain wood preservatives.
- (cc) "PROPERTY" means any real or personal property;
- (dd) "RECREATIONAL FIRE" means a fire confined within an Approved Fire Pit, which is lit for the purpose of cooking, obtaining warmth or viewing for pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane;
- (ee) "RESIDENTIAL OR COMMERCIAL DISTRICTS" means the residential and commercial districts as designated in the Town's Land Use Bylaw and its associated maps;
- (ff) "SMUDGE FIRE" means a fire confined to a non-combustible structure or container which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost and is fueled solely by dry wood or charcoal;
- (gg) "TOWN" means the Town of Legal;
- (hh) "VIOLATION TICKET" has the same meaning given to it in the *Provincial Offences Procedure Act*.

3.0 Rules of Interpretation

- 3.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.3 In this Bylaw, a citation of or reference to any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the Town, is a citation of or reference to that act, regulation, or bylaw as amended, whether amended before or after the commencement of the act, regulation or bylaw in which the citation or reference occurs.
- 3.4 Nothing in this Bylaw relieves a Person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.

PART II – FIRE SERVICES

4.0 Establishment and Purpose of Fire Services

- 4.1 Council authorizes Sturgeon County to provide Fire Protection for and on behalf of the Town for the purpose of:
 - (a) preventing and extinguishing fires;
 - (b) investigating the origin, cause and circumstances of fires;
 - (c) preserving life and Property and protecting Persons and Property from injury or destruction by fire;
 - (d) preventing, combating, responding to, and controlling Incidents;
 - (e) carrying out preventable controls;
 - (f) providing rescue services for motor vehicle collisions, not including water or ice rescue;
 - (g) conducting pre-fire planning and fire inspections;
 - (h) providing public education and information regarding fire safety; and

- (i) providing any other emergency response as may be authorized by the Town's policy or applicable legislation, in accordance with the requirements of this Bylaw and the terms and conditions of the Agreement.

5.0 Authority and Responsibility of Fire Chief

5.1 The Fire Chief shall be responsible for managing the overall delivery of Fire Protection by Fire Services, subject to:

- (a) this Bylaw;
- (b) all applicable Town policies, guidelines and directives;
- (c) the Agreement.

5.2 The Fire Chief is authorized to delegate, to a Member, any powers, duties or function of the Fire Chief under this Bylaw.

6.0 Authority and Responsibility of Members

6.1 Members are responsible to the Fire Chief for the performance of their duties pursuant to this Bylaw and applicable policies of the Town.

7.0 Authority and Responsibility of Member in Charge

7.1 The Member in Charge at an Incident shall have control, direction and management of all Apparatus, Equipment and manpower assigned to that Incident and shall continue to act as the Member in Charge until relieved by another Member authorized to do so.

7.2 The Member in Charge shall take action as deemed necessary for preserving life and Property and protecting Persons and Property from injury or destruction by fire or other emergency and is authorized to:

- (a) enter, pass through or over buildings, structures or Property whether adjacent or in proximity to an Incident and to cause Members, Apparatus or Equipment to enter or pass through or over the building, structure or Property without permission;
- (b) establish boundaries or limits and keep Persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Member in Charge;
- (c) request Enforcement Officers to enforce restrictions on Persons entering within the boundaries or limits outlined in subsection (b);
- (d) cause a building, structure or thing to be pulled down, demolished or otherwise removed;
- (e) secure Town manpower and Equipment which is considered necessary to deal with an Incident;
- (f) secure or commandeer privately owned Equipment which is considered necessary to deal with an Incident and authorize payment for use of the Equipment;
- (g) require any adult Person who is not a Member, to assist in:
 - (i) extinguishing a fire or preventing the spread thereof;
 - (ii) removing furniture, goods and merchandise from any building or structure on fire or in danger thereof and in guarding and securing same; and
 - (iii) demolishing a building or structure at or near the fire or other Incident.

PART III – OBSTRUCTION

8.0 Prohibitions

8.1 No person shall 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, the Fire Services water inlet or outlet connections on buildings, fire alarm controls, manual alarm stations, or any fire detection device or Equipment.

8.2 No Person shall 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.

PART IV – FIRES AND FIRE PERMITS

9.0 Permitted and Prohibited Fires

- 9.1 No Person shall burn or cause to be burned any Prohibited Debris.
- 9.2 No Person shall light or cause to be lit, or otherwise allow or permit, any outdoor fire upon land they are the Owner or Occupant, unless the Person holds a valid and subsisting Fire Permit, or the fire is exempt from the requirement for a Fire Permit under this Bylaw.
- 9.3 No Person shall light or cause to be lit, or otherwise allow or permit, a Burning Barrel Fire or Smudge Fire upon land Owned or Occupied by them or otherwise under their control within Residential or Commercial Districts of the Town.
- 9.4 No Person shall light or cause to be lit, or otherwise allow or permit, any fire upon land Owned or Occupied by them or otherwise under their control within Residential or Commercial Districts of the Town unless a fire pit inspection has been conducted and approved by the Fire Chief.
- 9.5 A Fire Permit is not required for a Recreational Fire in an Approved Fire Pit provided that:
 - (a) the fire is kept under control and supervised at all times by a responsible adult until such time that the fire has been completely extinguished; and
 - (b) flame height does not exceed ninety (90) centimeters above the structure or container.
- 9.6 This Bylaw does not apply to:
 - (a) an outdoor fire lit by Fire Services for training or preventive control purposes; or
 - (b) a fire confined to an incinerator regulated under the *Environmental Protection and Enhancement Act*.
 - (c) an outdoor fire located within an industrial district where the lands are Owned and Occupied by the Town, authorized by the Chief Administrative Officer.

10.0 Fire Permits

- 10.1 Fire Permits are required throughout the entire year.
- 10.2 An application for a Fire Permit shall be made on the form approved by the Chief Administrative Officer, as may be amended from time to time.
- 10.3 A Fire Permit shall only be valid for the time period expressly indicated on the Fire Permit, as determined by the Fire Chief issuing the permit, in their sole discretion, having regard for the nature and purpose of the fire, and prevailing circumstances and environmental conditions.
- 10.4 The Fire Chief, Chief Administrative Officer, a Member, or an Enforcement Officer may, in their sole discretion, terminate, suspend or cancel a Fire Permit at any time. Upon receiving notification of termination, suspension or cancellation of the Fire Permit, the Fire Permit holder shall immediately extinguish any fire set pursuant to the Fire Permit.
- 10.5 A Fire Permit is not transferrable.

11.0 Permit Holder Responsibilities

- 11.1 Every Person who sets a fire under authority of a Fire Permit shall:
 - (a) comply with any terms or conditions of the permit;
 - (b) keep the permit at the site of the fire;
 - (c) produce the permit to the Chief Administrative Officer, Fire Chief, a Member, or an Enforcement Officer, upon request;
 - (d) have a responsible adult in attendance at the fire at all times under the conditions as listed in the Fire Permit;
 - (e) keep the fire under control;
 - (f) not allow smoke or sparks to drift or otherwise create a nuisance or hazard to neighboring Property, Persons, or roadways;

- (g) completely extinguish the fire before expiration of the permit or upon cancellation of the permit; and
- (h) be responsible for any costs incurred by Fire Services when called upon to extinguish such fire if, in the opinion of the Fire Chief, as the case may be, the fire is a hazard to Persons or Property.

PART V – FIREWORKS

12.0 Fireworks and Firecrackers

- 12.1 No Person shall sell or purchase Fireworks within the Town.
- 12.2 No Person shall have in their possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off firecrackers within the Town.
- 12.3 No Person shall possess, handle, discharge, fire or set off Fireworks within the Town unless they hold a valid and subsisting Fireworks Permit.
- 12.4 A Fireworks Permit may only be issued to an authorized community organization for events sponsored or co-sponsored by the Town.
- 12.5
 - (a) An application for a Fireworks Permit shall be made in writing on the form approved by the Chief Administrative Officer, as may be amended from time to time.
 - (b) The issuance of a Fireworks Permit shall be at the sole discretion of the Fire Chief.
 - (c) No Person under the age of eighteen (18) years old shall be issued a Fireworks Permit.
 - (d) The Fire Chief may add conditions to a Fireworks Permit, including, but not limited to:
 - i. the time(s) and date(s) for which the Fireworks Permit is valid;
 - ii. the methods of storage of Fireworks;
 - iii. the location(s) where the Fireworks may be discharged;
 - iv. the activity that the Fireworks Permit authorizes; all of which shall constitute terms and conditions of the Fireworks Permit.
 - (e) A Fireworks Permit may include any further terms and conditions that the Fire Chief deems necessary for the safe use of the Fireworks.
 - (f) No Person shall possess, handle, discharge, fire or set off Fireworks in a manner that is contrary to the terms and conditions of a Fireworks Permit.
 - (g) Any Person possessing, handling, discharging, firing or setting off Fireworks shall keep the Fireworks Permit available for immediate production to the Chief Administrative Officer, the Fire Chief, a Member, or an Enforcement Officer upon demand.
 - (h) The Fire Chief, Chief Administrative Officer, a Member, or an Enforcement Officer may, in their sole discretion, terminate, suspend or cancel a Fireworks Permit at any time. The following non-exhaustive list of circumstances may result in a Fireworks Permit being revoked:
 - i. non-compliance with the *National Fire Code – 2019 Alberta Edition*, the *Explosives Act*, this Bylaw or the terms and conditions of the Fireworks Permit;
 - ii. due to changes in environmental conditions;
 - iii. for any reason related to safety to life, limb or Property.
- 12.6 The possession, handling and discharge of Fireworks shall at all times be carried out in compliance with the *Explosives Act* and the *National Fire Code – 2019 Alberta Edition*.

PART VI – FIRE ADVISORY AND BAN

13.0 Fire Advisory

- 13.1 The Fire Chief may, from time to time, prohibit the issuance of any new Fire Permits or Fireworks Permits and suspend all active Fire Permits and Fireworks Permits when, in the opinion the Fire Chief, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 13.2 A Fire Advisory imposed pursuant to subsections (1) shall remain in force until either the date provided in the notice of the Fire Advisory or until such time as the Fire Chief provides notice to the public that the Fire Advisory is no longer in effect.

13.3 Notice of a Fire Advisory shall be provided to the public. Notice may be in the form of signage, through a public service message on the local radio stations, posting to the Town's website and social media channels or by any other means which the Fire Chief determines is appropriate for the purpose of informing the public of the Fire Advisory.

13.4 When a Fire Advisory is in place:

- (a) The Fire Chief shall not issue any Fire Permits;
- (b) the Fire Chief shall not issue any Fireworks Permits; from the date of issuance of the Fire Advisory.

13.5 When a Fire Advisory is in place, no Person shall:

- (a) ignite any fire unless the fire is exempt from requiring a permit; or
- (b) handle, discharge, fire or set off Fireworks within the Town.

14.0 Fire Ban

14.1 The Fire Chief may prohibit all fires in the Town when, in the opinion the Fire Chief, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.

14.2 Fire Bans may be established and declared for the entire Town or portions of the Town.

14.3 A Fire Ban imposed pursuant to Subsection 14.1 shall remain in force until either the date provided in the notice of the Fire Ban or until such time as the Fire Chief provides notice to the public that the Fire Ban is no longer in effect.

14.4 Notice of a Fire Ban shall be provided to the public. Notice may be in the form of signage, through a public service message on the local radio stations, posting to the Town's website and social media channels or by any other means which the Fire Chief determines is appropriate for the purpose of informing the public of the Fire Ban.

14.5 When a Fire Ban is in place:

- (a) The Fire Chief shall not issue any Fire Permits;
- (b) the Fire Chief shall not issue any Fireworks Permits; from the date of issuance of the Fire Ban.

14.6 Subject to Subsection 14.7, when a Fire Ban is in place, no Person shall ignite any fire or Fireworks, whether or not the Person is the holder of a Fire Permit or Fireworks Permit or a Fire Permit is not required and shall immediately extinguish any fire lit once the Person knows or ought reasonably to know of the Fire Ban.

14.7 During a Fire Ban a Person may, subject to the requirements of this Bylaw, and unless the notice of the Fire Ban provides otherwise, use a barbeque that burns propane, natural gas, compressed briquettes, wood pellets or charcoal, provided that the barbeque is used for the purpose of cooking or obtaining warmth and is used on private Property or in a public area that has been approved by the Town for the use of such barbecues.

15.0 Requirement to Report

15.1 The Owner or Occupant of any Property damaged by fire shall immediately report the particulars of such fire to the Fire Chief.

15.2 The Owner, Occupier or authorized agent of a Property containing a Dangerous Goods product which sustains accidental or unplanned release of Dangerous Goods product shall immediately report to Fire Services particulars of the release which are satisfactory to the Fire Chief or designate.

PART VII – RECOVERY OF COSTS

16.0 Fire Protection Charges

- 16.1 Upon Fire Services providing Fire Protection on a parcel of land within the Town's boundaries, the Town may with consideration of recommendations from the Fire Chief, in its sole and absolute discretion, charge Fire Protection Charges to any or all of the following Persons, namely:
- (a) the Person or Persons causing or contributing to the fire;
 - (b) the Occupant of the parcel of land on which Fire Protection was provided;
 - (c) the Owner of the parcel of land which Fire Protection was provided;
 - (d) the Person with control over the parcel of land on which Fire Protection was provided, which may include, without restriction, a Property manager; and
 - (e) the Person or Persons who requested Fire Protection; and all Persons charged are jointly and severally liable for payment of the Fire Protection Charges to the Town.
- 16.2 Fire Protection Charges shall be paid within thirty (30) days of receipt of an invoice.
- 16.3 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Town is entitled to on the parcel of land in respect of which the indebtedness is incurred.
- 16.4 Without limiting Subsection 16.1, the Owner of a parcel of land within the Town to which Fire Protection is provided is liable for Fire Protection Charges incurred and the Town may add to the tax roll of the parcel of land all unpaid Fire Protection Charges, which forms a special lien against the parcel of land in favour of the Town from the date the amount was added to the tax roll, in accordance with the *Municipal Government Act*.

17.0 Damages or Destroyed Property

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

18.0 Services Fees and Charges

- 18.1 The Town may establish and levy fees and charges for services, including, but not limited to:
- (a) fees for responding to an Incident;
 - (b) Fire Permit and Fireworks Permit application fees;
 - (c) site inspection fees;
 - (d) fire investigation fees;
 - (e) fees for responding to False Alarms; and
 - (f) fees for file searches and copying records.
- 18.2 The fees and charges described in this section shall be a debt due and owing to the Town and collection of unpaid fees and charges may be undertaken by civil action in a court of competent jurisdiction.

PART VIII – ENFORCEMENT

19.0 Inspection and Enforcement

- 19.1 Where a parcel of land does not comply with this Bylaw or a Person contravenes this Bylaw, the Town may pursue its enforcement alternatives in accordance with this Bylaw, any enactment or any common law right, including issuing an order to remedy contraventions or dangers, remedying contraventions or dangers by the Town, adding amounts to the tax roll of the Owner of the parcel, and pursuing injunctions pursuant to the *Municipal Government Act*.
- 19.2 The Fire Chief is authorized to carry out inspections of land and structures, issue orders, remedy conditions and contraventions, and enforce this Bylaw in accordance with the *Municipal Government Act*.

20.0 Offences

20.1 In addition to any other requirements of this Bylaw, no Person shall:

- (a) contravene any provision of this Bylaw;
- (b) contravene any term or condition of a permit issued pursuant to this Bylaw;
- (c) cause or permit a Burning Hazard to exist on a parcel of land;
- (d) deposit, discard or abandon any burning matter or substance so as to create a Burning Hazard;
- (e) provide false, incomplete or misleading information to the Fire Chief, Chief Administrative Officer, a Member, or an Enforcement Officer with respect to a Fire Permit or Fireworks Permit application;
- (f) light a fire on any land the Person does not own without the written consent of the Owner;
- (g) permit a fire lit by that Person to pass from their own land to the land of another Person;
- (h) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- (i) conduct any activity that might reasonably be expected to cause a fire unless that Person exercises reasonable care to prevent a fire from occurring;
- (j) conduct any activity that involves the use of a fire, where smoke produced by the fire may impede visibility of vehicular and pedestrian traffic on any road or highway; or
- (k) light a fire on lands owned or controlled by the Town except with the Town's express written consent.

21.0 Vicarious Liability

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

22.0 Corporations and Partnerships

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

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

23.0 Fines and Penalties

23.1 A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:

- (a) not less than the specified penalty established in Schedule "A"; and
- (b) in the case of all other offences, not exceeding ten thousand dollars (\$10,000.00).

23.2 Without restricting the generality of Subsection 23.1, the fine amounts set out in Schedule "A" are established as specified penalties for use on Violation Tickets, if a voluntary payment option is offered.

24.0 Violation Ticket

24.1 An Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

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

- (a) state the specified penalty for the offence as set out in Schedule "A"; or

- (b) require a Person to appear in Provincial Court without the alternative of making a voluntary payment.

24.3 A Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket states the specified penalty established by this Bylaw for the offence, as set out in Schedule "A" herein;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

24.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Subsection 24.3 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART VIII – GENERAL

25.0 Repeal

25.1 Bylaw #01-2003, Bylaw #02-2009 and Bylaw #09-2019 are hereby repealed.

26.0 Effective Date

26.1 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

Read a first time this 2 day of May, 2022.

Read a second time this 16th day of May, 2022.

Read a third and final time this 16th day of May, 2022.



Mayor



Chief Administrative Officer

Schedule "A"
Specified Penalties

Bylaw Section Number	Offence	Violation Ticket
8.0	Obstruction	\$1000
9.1	Burning Prohibited Debris	\$500
9.2	Fire without a Fire Permit	\$500
9.3	Burning Barrel or Smudge Fire within a Residential or Commercial District	\$500
9.4	Fire without Fire Pit Inspection	\$500
12.1	Sell or Purchase Fireworks	\$250
12.2	Possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off firecrackers	\$250
12.3	Possession, handling, discharge, fire, or set off fireworks without a Fireworks Permit	\$500
13.5	Ignite a fire or handle, discharge, fire or set off Fireworks during Fire Advisory	\$500
14.6	Ignite a fire or handle, discharge, fire or set off Fireworks during Fire Ban	\$500
15.1	Failure to report fire	\$500
15.2	Failure to report release of Dangerous Goods	\$1000
20.1(b)	Contravene any term or condition of a permit	\$500
20.1(c)	Cause or permit a Burning Hazard to exist on a parcel of land	\$500
20.1(d)	Deposit, discard or abandon any burning matter or substance so as to create a Burning Hazard	\$1000
20.1(e)	Provide false or misleading information	\$500
20.1(f)	Light a fire on land without written consent of Owner	\$250
20.1(g)	Permit a fire to pass to another Person's land	\$1000
20.1(h)	Light a fire without sufficient precautions	\$250
20.1(i)	Conduct any activity that might reasonably be expected to cause a fire without exercising reasonable care	\$1000
20.1(j)	Conduct any activity that involves the use of a fire, where smoke produced by the fire may impede visibility of vehicular and pedestrian traffic on any road or highway	\$250
20.1(k)	Light a fire on lands owned or controlled by the Town except with the Town's express written consent	\$500