

Town of Mundare
Bylaw 958/25
Regional Fire Services Bylaw

A BYLAW OF THE TOWN OF MUNDARE IN THE PROVINCE OF ALBERTA, TO ESTABLISH AND OPERATE A FIRE SERVICE, AUTHORIZE THE PREVENTION AND CONTROL OF FIRES, AND AUTHORIZE THE RECOVERY OF RELATED FEES, EXPENSES, AND CHARGES.

WHEREAS the *Municipal Government Act* provides that a council of a municipality may pass bylaws for municipal purposes respecting the following matters:

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

AND WHEREAS the *Municipal Government Act* further provides that a municipality may 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 Council wishes to establish a fire service within the Town of Mundare and provide for the efficient operation of such a service;

AND WHEREAS Council wishes to provide for the prevention, regulation, and control of the lighting of fires within the Town of Mundare;

AND WHEREAS a service agreement between Lamont County and the Town of Mundare for the foregoing services is already in full force and effect;

NOW THEREFORE the Council of the Town of Mundare, in the Province of Alberta, duly assembled, hereby enacts the following:

TITLE & INTERPRETATION

1. This bylaw may be referred to as the "Regional Fire Services Bylaw."

PURPOSE

2. The purpose of this bylaw is to establish and operate a fire service, authorize the prevention

and control of fires, and authorize the recovery of related fees, expenses, and charges

3. **"Acceptable Fire Pit"** means an outdoor receptacle that meets the following specifications:

- (a) a minimum of three meters' clearance is maintained from any building, property line, or other combustible material when measured from the nearest fire pit edge;
- (b) the fire pit height does not exceed six hundred millimeters (600mm) when measured from the surrounding grade to the top of the pit opening;
- (c) the pit opening does not exceed one meter in width or in diameter when measured between the widest points or outer edges;
- (d) the fire pit has enclosed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Fire Chief; and
- (e) a spark arrestor mesh screen with openings no larger than thirteen millimeters (13mm) 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.

4. **"Acceptable Fireplace"** means an outdoor receptacle that meets the following specifications:

- (a) a minimum of one meter's clearance is maintained from any building, property line, or other combustible material when measured from the nearest fireplace edge;
- (b) the fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
- (c) the fireplace is equipped with a chimney that is not less than two and one-half meters in height when measured from the base of the burning area;
- (d) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;

- (e) the base of the fire burning area is not less than three hundred millimeters (300mm) above the surrounding grade; and
 - (f) the fire chamber does not exceed one and one-quarter meters in width and is at least four hundred millimeters (400mm), but not more than six hundred millimeters (600mm) in depth; and
- 5. **"Apparatus"** means any vehicle provided with machinery, or equipment, for firefighting operated by, or for, the fire department whether that vehicle operates on land, in the air, or on water.
- 6. **"Burnable Debris"** applies to agricultural, or heartland agricultural, land use districts only and means the following materials:
 - (a) grass and weeds;
 - (b) leaves and tree pruning;
 - (c) brush and fallen trees on newly cleared property; and
 - (d) wood material from the construction or demolition of buildings that does not contain wood preservatives.
- 7. **"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.
- 8. **"Chief Administrative Officer"** or "CAO" means the Chief Administrative Officer of the Town of Mundare or their authorized delegate pursuant to the *Municipal Government Act*.
- 9. **"Council"** means the duly elected Council of the Town of Mundare.
- 10. **"County"** means the municipality of Lamont County as the managing partner of the Regional Emergency Services Agreement.
- 11. **"Dangerous Goods"** means any product, substance, or organism specified in the regulations, or included by its nature, in any of the classes listed in the regulations under

the *Dangerous Goods Transportation and Handling Act*.

12. **"Enforcement Officer"** means any Bylaw Enforcement Officer employed by the Town of Mundare in accordance with the *Municipal Government Act* and includes any member of the Royal Canadian Mounted Police (R.C.M.P), and, when authorized, a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act*, RSA 2006, c P-3.5.
13. **"Equipment"** means any tools, devices, materials, or supplies used by or for the fire department to respond to an Incident.
14. **"False Alarm"** means any notification, by whatever means received, by the fire department 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.
15. **"Fire Ban"** means an order issued by the CAO pursuant to this bylaw, for the purpose of prohibiting the lighting of, and requiring the extinguishment of, some or all fires within the Town of Mundare.
16. **"Fire Chief"** means the person employed by the County who is appointed as the Fire Chief for, and as, the head of Lamont County Emergency Services, or their designate.
17. **"Fire Department"** means the department as established and organized by the County consisting of, among other things, all persons appointed or recruited to the various positions within the fire department, including all members. The public facing name of this department is "Lamont County Emergency Services."
18. **"Fire Department Property"** means all real and personal property owned or controlled by the County or the Town of Mundare designated for use by the fire department including but not limited to apparatus, equipment, and fire stations.
19. **"Fire Hazard"** means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard.

20. **"Fire Protection"** means all the services enumerated in Section 34 of this bylaw and includes any other service delivered by, or for, the fire department that is authorized by Council or outlined within the Regional Emergency Services Agreement.
21. **"Fire Protection Charges"** means all costs incurred by or for the fire department in providing Fire Protection both within and outside the Town of Mundare boundaries.
22. **"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.
23. **"Fireworks Permit"** means a permit, issued by the CAO or their designate, authorizing the sale, purchase, possession, handling, discharge, firing or setting off fireworks in the Town of Mundare.
24. **"Incident"** means a fire or medical situation where a fire or explosion is imminent, or any other situation presenting danger, or possible danger, to life, property, or the environment, and to which the fire department has responded.
25. **"Member"** means any person who is duly appointed, or employed as, a member of the fire department and includes the Fire Chief.
26. **"Member in Charge"** means the member who is in command of an incident in accordance with County policies and procedures.
27. **"Owner"** means the person or persons listed on title as the registered owner of property at the Land Titles Office.
28. **"Person"** means any individual, firm, partnership, association, or corporation.
29. **"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 legislation or bylaw written to protect and enhance the environment and includes, but is not limited to, materials described as:
 - (a) animal carcasses;
 - (b) animal manure;

- (c) chemicals and chemical containers;
 - (d) combustible material in automobiles;
 - (e) household refuse;
 - (f) non-wooden material;
 - (g) paints and painting materials;
 - (h) pathological waste;
 - (i) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (j) tires;
 - (k) toxic substances;
 - (l) used oil; or
 - (m) wood or wood products containing substances for the purpose of preserving wood.
30. **"Recreational Fires"** means a fire confined within a non-combustible structure or container, 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;
31. **"Schedule of Fees and Charges Bylaw"** means Lamont County's most recently approved bylaw that establishes the fees and charges applicable to Fire Services only, as amended or replaced from time to time.
32. **"Violation Ticket"** means a violation ticket issued for an offence committed against any of the provisions of this bylaw under Part 2 of the *Provincial Offences Procedure Act*.

ESTABLISHMENT AND PURPOSE OF THE FIRE DEPARTMENT

33. Lamont County has established a regional fire department that provides services to the

Town of Mundare through a service agreement.

34. This fire department is established for the purpose of:
- (a) preventing and extinguishing fires;
 - (b) investigating the cause of fires in accordance with the quality management plan approved by the Safety Codes Council;
 - (c) preserving life, property, and the environment, and protecting persons and property from injury or destruction by fire;
 - (d) providing rescue services and medical emergency co-response;
 - (e) preventing, combatting, and controlling Incidents;
 - (f) conducting pre-fire planning and fire inspections in accordance with the quality management plan approved by the Safety Codes Council;
 - (g) purchasing and operating apparatus and equipment for extinguishing fires or preserving life, property, and the environment;
 - (h) enforcing provisions of the *Safety Codes Act*;
 - (i) preventing prairie or running fires and enforcing the provisions of the *Forest Prairie and Protection Act*;
 - (j) fulfilling the requirements of any mutual aid agreements with other municipalities;
 - (k) assisting with emergency management;
 - (l) providing public education and information regarding fire safety;
 - (m) training and other member development;
 - (n) enforcing this bylaw and any other applicable bylaws and policies of the County and any applicable enactments;

(o) controlling and mitigating Incidents involving dangerous goods; and

(p) otherwise providing emergency services as required,

in accordance with the policies and guidelines established by the County, as amended from time to time, all applicable legislation, and the provisions of the service agreement.

AUTHORITY AND RESPONSIBILITY OF THE FIRE CHIEF

35. The Fire Chief for the Town of Mundare shall be employed and appointed by the County.
36. The Fire Chief shall be responsible for managing the overall delivery of fire protection by the fire department subject to the Lamont County Regional Fires Services Bylaw and the Regional Emergency Services Agreement, as amended from time-to time.
37. The Fire Chief is authorized to delegate, and to authorize further delegations of any powers, duties and functions delegated to the Fire Chief under both the Lamont County Regional Fire Services Bylaw and this bylaw.

AUTHORITY AND RESPONSIBILITIES OF MEMBERS

38. Members are responsible to the Fire Chief for the performance of their duties pursuant to this bylaw and applicable policies of the County.

AUTHORITY AND RESPONSIBILITY OF MEMBERS IN CHARGE

39. The member in charge at an incident shall have control, direction and management of all apparatus, equipment and labor assigned to that Incident and shall continue to function as the member in charge until relieved by another member authorized to do so.
40. The member in charge shall function as deemed necessary for preserving life and property and protecting persons and property from injury or destruction by fire or another 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 or apparatus 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 Section 40 (b);
- (d) cause a building, structure, or thing to be pulled down, demolished, or otherwise removed;
- (e) secure Town of Mundare personnel and equipment which they consider necessary to deal with an Incident;
- (f) secure and/or commandeer privately owned equipment which they consider 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.

OUTDOOR FIRES

- 41. No person shall light or cause to be lit any outdoor fire or permit any outdoor fire upon land owned or occupied by that person, or under their control, within the boundaries of the Town of Mundare except as otherwise provided for under this bylaw.
- 42. No person shall burn, or cause to be burned, any prohibited debris within the boundaries of the Town of Mundare.
- 43. Any person who builds, ignites, or permits a fire within the Town of Mundare must ensure that the fire is not left unsupervised at any time.

44. Notwithstanding sections 41, 42, and 43, outdoor fires are permitted under this bylaw for the following activities:
- (a) cooking of food using a portable appliance;
 - (b) recreational fires or cooking of food in acceptable fire pits or acceptable fireplaces, provided that:
 - i. only clean fuel is used such as natural gas, dry wood, or charcoal, in amounts that will be contained within the acceptable fire pit or acceptable fireplace below the mesh screen;
 - ii. a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
 - iii. the fire is kept under control and always supervised by a responsible adult person until such time that the fire has been completely extinguished;
 - iv. flame height does not exceed one meter above the structure or container;
 - (c) burning in fireplaces in, or attached to, dwellings as provided by legislation;
 - (d) an outdoor fire lit by the fire department for training or preventive control purposes.

FIRE BANS

45. The CAO may, from time to time, prohibit some, or all, outdoor fires within the whole or a portion of the Town of Mundare, when the CAO, in their sole discretion, determines that the prevailing environmental conditions may give rise to an increased risk of fire or increased risk of a fire running out of control.
46. A fire ban imposed pursuant to section 45 of the bylaw shall remain in force until either the date provided in the notice of the fire ban or until such time the Fire Chief provides notice to the public that the fire ban is no longer in effect.

47. 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 websites, radio stations, or by any means, which the CAO determines is appropriate for the purpose of informing the public of the fire ban.
48. When a fire ban is in place, no person shall:
 - (a) ignite a fire and every person shall immediately extinguish any fire lit once the person knows or ought reasonably to know of the fire ban; or
 - (b) discharge, fire or set off fireworks within the Town of Mundare.
49. All fireworks permits issued within the area affected by the fire ban are suspended for the duration of the fire ban.

BARBEQUES & PROPANE-FUELLED FIRE PITS

50. All barbeques and propane-fueled fire pits must comply with the requirements established in the *Safety Codes Act*.

FIRE SAFETY PLANS

51. As required by the *Safety Codes Act*, all buildings or parts of buildings undergoing construction or demolition must have a fire safety plan, which must comply with the requirements of the *Safety Codes Act*.

FIRE AND DANGEROUS GOODS INCIDENT REPORTING REQUIREMENTS

52. The owner or authorized agent of any property damaged by fire must immediately report the particulars of the fire to the fire department in the manner and form prescribed by and to the satisfaction of the Fire Chief.
53. The owner or authorized agent of any property containing Dangerous Goods which sustains an accidental or unplanned release of the Dangerous Goods must immediately report the particulars of the release to the fire department in the manner and form prescribed by and to the satisfaction of the Fire Chief.

SERVICE FEES AND CHARGES

54. When the fire department has taken any action whatsoever for the purpose of:
- (a) site inspections for regulated occupancies;
 - (b) requested site inspections;
 - (c) fire investigations;
 - (d) business inspections;
 - (e) file searches;
 - (f) report copies;
 - (g) duplicate copies of photographs;
 - (h) photocopies of photographs;
 - (i) site inspection or fire permit for flammable or combustible fuel tank installation;
 - (j) site inspection or fire permit for flammable or combustible fuel tank removal;
 - (k) fire permits;
 - (l) fireworks permits;
 - (m) responding to an incident; or
 - (n) responding to a false alarm,

the applicable fee as set out in the County's most current *Schedule of Fees and Charges Bylaw* must be paid to the County by the owner of the subject property.

55. The fees charged by the fire department for services rendered pursuant to this bylaw are set out in the County's *Schedule of Fees and Charges Bylaw*, as amended from time-to-time.

56. The fees and charges described in this section shall be a debt due and owing to the County and collection of unpaid fees and charges may be undertaken by civil action in a court of competent jurisdiction.

FIRE PROTECTION CHARGES

57. When the fire department has extinguished a fire within the Town of Mundare for the purpose of preserving life, property, and the environment from injury or destruction, the Fire Chief may charge any costs incurred by the fire department in taking such action to:

(a) the person or persons causing or contributing to the fire; or

(b) the owner or occupant of the parcel of land,

and all persons charged are jointly and severally liable for payment of the fire protection charges to the County.

58. Fire protection charges shall be paid within thirty (30) days of receipt.
59. 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 of Mundare or the County is entitled to on the parcel of land in respect of which the indebtedness is incurred.
60. Without limiting section 57, the owner of a parcel of land within the Town of Mundare is liable for fire protection charges incurred in relation to the fire department extinguishing fires on that parcel and the Town of Mundare 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 favor of the Town of Mundare from the date the amount was added to the tax roll. Fire protection charges recovered through the tax roll shall be remitted to the County upon recovery.

INSPECTION AND ENFORCEMENT

61. Where a parcel of land does not comply with this bylaw or a person contravenes this bylaw, the Town of Mundare or the County 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 County,

adding amounts to tax rolls, and pursuing injunctions pursuant to the *Municipal Government Act*.

62. The Fire Chief is authorized to conduct inspections of land and structures, issue orders, remedy conditions and contraventions, and enforce this bylaw in accordance with the *Safety Codes Act* and the *Municipal Government Act*.

OFFENCES

63. No person shall:

- (a) contravene any provision of this bylaw;
- (b) damage or destroy fire department property;
- (c) falsely represent themselves as a member;
- (d) obstruct or otherwise interfere with access by the fire department or fire department property to:
 - i. the scene of an Incident;
 - ii. a fire hydrant, cistern or other body of water designated for firefighting purposes; or
 - iii. to connections to fire mains, standpipes, or sprinkler systems.
- (e) cross any boundaries or limits established by the fire department in accordance with this bylaw, without the express authorization of the member in charge;
- (f) knowingly cause or permit a burning hazard or fire hazard to exist on a parcel of land;
- (g) deposit, discard or abandon any burning matter or substance to create a burning hazard;
- (h) light any fire, or cause any fire to be lit, during a fire ban;

- (i) light a fire unless permitted under this bylaw or with the express permission of the Fire Chief;
- (j) provide false, incomplete, or misleading information to the Fire Chief, a member, or an enforcement officer with respect to a fireworks, or other permit, application;
- (k) light a fire on any land not their own without the written consent of the owner of the land;
- (l) permit a fire lit by that person to pass from their own land to the land of another person;
- (m) light a fire without first taking sufficient precautions to ensure that the fire can be always kept under control;
- (n) conduct any activity that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent a fire from occurring;
- (o) conduct any activity that involves the use of a fire, where smoke produced by the fire may impede the visibility of vehicular and pedestrian traffic on any road or highway;
- (p) light a fire on lands owned or controlled by the Town of Mundare except with the Town of Mundare express written consent and with the approval of the Fire Chief;
- (q) use a fire to burn Prohibited Debris;
- (r) impede, obstruct, or otherwise hinder the Fire Chief, a member of the fire department or an enforcement officer in performing their duties under this bylaw or related legislation; or
- (s) impede, obstruct, or otherwise hinder access to property or equipment required for use by a member of the fire department or enforcement officer in performing their duties under this bylaw or related legislation.

PENALTIES

64. A person who contravenes or fails to comply with any provision of this bylaw is guilty of an offence and is liable to a fine in an amount not less than \$250 and not more than \$2,500. No person found guilty of an offence under this bylaw is liable to imprisonment.
65. Without restricting the generality of section 66, the fine amounts established for use on Violation Tickets if a voluntary payment option is offered are as set out in Schedule 'A' of this bylaw.

VIOLATION TICKETS AND VOLUNTARY PAYMENT

66. An enforcement officer is authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person that the enforcement officer has reasonable grounds to believe has contravened any provision of this bylaw.
67. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.
68. A person who commits an offence may:
 - (a) if the Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence,

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.
69. When the Clerk records in the Court records the receipt of a voluntary payment pursuant to Section 56 and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

SEVERABILITY

70. Each provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

REPEAL

71. Bylaw 679/95, as amended, is hereby repealed.

Read a first time on January 28, 2025.

Read a second time on January 28, 2025.

Read a third time on January 28, 2025.

Date

Mayor

Date

CAO

SCHEDULE "A"
Specified Penalties

Bylaw Section Number	Offence	Minimum Penalty		
		First Offence	Second Offence	Third and Subsequent Offences
52	Burning during a fire ban	\$1500	\$2000	\$2500
52/53	Failure to report an incident to the fire department	\$250	\$250	\$250
63(b)	Damage or destroy fire department Property	\$500 + Replacement Cost	\$500 + Replacement Cost	\$500 + Replacement Cost
63(g)	Deposit, discard, or leave any burning matter or substance that may cause a fire	\$1000	\$2000	\$2500
63(i)	Lighting an outdoor fire without a fire permit	\$500	\$1000	\$1500
63(j)	Providing false or misleading information when applying for a fire permit	\$500	\$1000	\$1500
63m)	Failure to take necessary precautions when burning	\$500	\$1000	\$1500
63(p)	Lighting an outdoor fire on municipal land without a permit	\$500	\$1000	\$2500
63(q)	Burning prohibited debris	\$1000	\$2000	\$2500
63(s)	Impeding, obstructing, or otherwise hindering a member of the fire department or enforcement officer in performing their duties	\$1500	\$2000	\$2500
63(t)	Impeding, obstructing, or otherwise hindering access to property or equipment required by a member of the fire department or enforcement officer in performing their duties	\$1500	\$2000	\$2500