

**BYLAW NO. B-18/2018
OF THE CITY OF AIRDRIE
IN THE PROVINCE OF ALBERTA**

Being a bylaw to establish Fire Services in and for the City of Airdrie.

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and any amendments thereto, provides that a council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and for services provided by or on behalf of the municipality; and

WHEREAS the municipal Council of the City of Airdrie has been accredited by the Safety Codes Council in its respective municipality; and

WHEREAS the municipal Council of the City of Airdrie wishes to maintain fire services within the City of Airdrie and to provide for the efficient operation of such emergency services.

NOW THEREFORE the municipal Council of the City of Airdrie, in the Province of Alberta, in Council duly assembled, hereby enacts the following:

Section 1 Short Title

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

Section 2 Definitions

2.1 In this bylaw:

- 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) metres’ 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 in diameter when measured between the widest points or outer edges;
 - iii) the receptacle has closed sides made from brick, concrete blocks, heavy gauge metal, or other non-combustible material that is acceptable to the Fire Chief; and
 - iv) a spark arrestor mesh screen with openings no larger than twelve and one-half (12.5) millimetres 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) metres’ clearance is maintained from any building, property line, or other combustible material when measured from the nearest fire pit edge;
 - ii) the fire pit height does not exceed six hundred (600) millimetres when measured from the surrounding grade to the top of the pit opening;
 - iii) the pit opening does not exceed one (1) metre 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 that is acceptable to the Fire Chief; and
 - v) a spark arrestor mesh screen with openings no larger than twelve and one-half (12.5) millimetres 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) “Alberta Fire Code” applies to the Alberta Fire Code (AFC) 2014 which came into effect May 1, 2015 through adoption of Alberta Regulation 32/2015 and documented STANDATA revisions that apply to the AFC 2014.
- d) “Acceptable Fireplace” means an outdoor receptacle that meets the following:
 - i) a minimum of one (1) metre’s 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 bricks 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) metres in heights when measured from the base of the burning area;
- iv) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- v) the base of the fire burning area is not less than three hundred (300) millimetres above the surrounding grade; and
- vi) the fire chamber does not exceed one and one-quarter (1.25) metres in width and is at least four hundred (400) millimetres but no more than six hundred (600) millimetres in depth;

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

- e) “Burnable Debris” applies to **farm use only** and means the following materials:

- 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 buildings that does not contain wood preservatives; and
- v) household refuse;

All burning of any of the above debris requires a Fire Permit issued by the Fire Department with the exception of debris when burned within an Acceptable Burning Barrel;

- f) “Chief Administrative Officer” means the person appointed to the position and title of City Manager by Council, or his designate;
- g) “City” means the municipal corporation of the City of Airdrie and includes the geographical area contained within the boundaries of the City as the context so requires;
- h) “Council” means the municipal Council of the City;
- i) “Dangerous Goods” means any product, substance, or organism specified in the regulations or included by its nature in any of the classes listed in

the regulations under the *Transportation of Dangerous Goods Control Act*, R.S.A. 2000, Chapter D-4, and any amendments thereto;

- j) “Dwelling or Dwelling Unit” means a building or portion of a building consisting of one (1) or more rooms operated or intended to be operated as a residence for a household, containing cooking, sleeping and sanitary facilities only for that unit. Part or all of the dwelling may be constructed through prefabrication or modular assembly;
- k) “Dwelling, Secondary Suite” means a secondary Dwelling Unit that is located within and accessory to a Dwelling, Single Detached. A Secondary Suite has an entrance separate from the entrance for the principal Dwelling and contains living, cooking, sleeping, and sanitation facilities which are separate from those of the principal dwelling located on the site. This land use may also be referred to in this Bylaw as a “Secondary Suite”;
- l) “Dwelling, Single Detached” means a building containing one (1) dwelling or dwelling unit;
- m) False Alarm” means:
 - i) any second or subsequent fire alarm from or emergency response to the same municipal address that is set off needlessly, though wilful or accidental, human or mechanical error to which the Fire Department responds; or
 - ii) any second or subsequent emergency response to the same municipal address where the emergency response has been initiated from a different municipal address and where the Fire Department has previously determined and notified the initiating party that the cause for the emergency response is not an offence under this Bylaw;
- n) “Fire Chief” means the Person filling that role for the City, who performs the duties and responsibilities of a fire chief, or his designate;
- o) “Fire Department” means the fire department as established by Council and organized by the City consisting of, among other things, all persons appointed or recruited to the various positions within the Fire Department and all buildings, equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Department;
- p) “Fire Permit” means a written application in the prescribed form set out by the Fire Department for approval for an Open Air Fire or discharge of

Fireworks and includes such other information as may be required by the Fire Department;

- q) “Fireworks” means the fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subsection 1 and 2 in Section 14 of the *Explosives Act* (Canada) and Section 5.7 of the Alberta Fire Code;
- r) “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;
- s) “Incinerator Fire” means a fire that is confined within a non-combustible structure or container that has draft and smoke vents covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimetres and that is ventilated in such a manner as to preclude the escape of combustible materials including ash, which fire is set for the purpose of burning refuse, excepting plastic products;
- t) “Liquid Fueled Barbeques or Heating Appliances means any barbeque or heating appliance (includes table top fire pit) fueled by propane or natural gas from a portable cylinder, or supplied utility service;
- u) “Member” means any person who is a member of the Fire Department;
- v) “Open Air Fire” means any fire that:
 - i) is not an Incinerator Fire, Public Park Site Fire or a fire in an Acceptable Burning Barrel, Acceptable Fire Pit, or Acceptable Fireplace; and
 - ii) without limiting the generality of the foregoing, shall include grass fires, forest and brush fires, running Fires, structure fires, wood scrap fires, ground thawing fires and chattel fires;
- w) “Owner” means the Person or Persons listed on the title of a parcel of land at the Land Titles Office;
- x) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Community Peace Officer appointed under the *Peace Officer Act*, or a Bylaw Enforcement Officer appointed under the *Municipal Government Act*;
- y) “Person” means any individual, firm, partnership, association or corporation;

- z) “Portable Appliance” means any appliance sold or constructed for the purpose of cooking food outdoors;
- aa) “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 bylaw written to protect and enhance the environment and shall include but not be limited to materials described as:
 - i) straw and stubble;
 - ii) animal cadavers;
 - iii) animal manure;
 - iv) chemicals and chemical containers;
 - v) combustible material in automobiles;
 - vi) household refuse;
 - vii) non-wooden material;
 - viii) paints and painting materials;
 - ix) pathological waste;
 - x) rubber or plastic or anything containing or coated with rubber or plastic or similar substances except rubber or plastic attached to shredded scrap steel;
 - xi) tires;
 - xii) toxic substances
 - xiii) used oil; or
 - xiv) wood or wood products containing substances for the purpose of preserving wood;
- bb) “Public Park Site Fire” means a fire on land owned or leased by the City or its agents for recreational purposes and is confined to either a non-combustible container supplied by the City, as approved by the Fire Department, or a Portable Appliance that is designed for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fuelled with seasoned wood, charcoal, natural gas or propane;

- cc) “Running Fire” means a fire burning without being under the proper control of any Person;
- dd) “Solid Fueled Barbeques” are appliances where the primary source of fuel consists of charcoal, briquettes or wood,
- ee) “Voluntary Payment Tag” means a municipal tag or similar document issued by the City in relation to an offence under this Bylaw.

Section 3 Fire Department

3.1 Council hereby establishes the Fire Department for the purpose of:

- i) preventing and extinguishing fires;
- ii) investigating the cause of fires in accordance with the Quality Management Plan approved by Council and the Safety Codes Council;
- iii) preserving life, property and the environment protecting Persons and property from injury or destruction by fire;
- iv) providing rescue services and medical emergency co-response;
- v) preventing, combatting and controlling Incidents;
- vi) carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Quality Management Plan approved by Council and the Safety Codes Council;
- vii) recommending to Council the entering into agreements with other municipalities or Persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- viii) purchasing and operating apparatus and equipment for extinguishing fires or preserving life, property and the environment;
- ix) enforcing the provisions of the *Safety Codes Act* and its regulations.

Section 4 Fire Chief

4.1 The authority of the Fire Chief is granted by this Bylaw, City policy and the *Safety Codes Act*. The Fire Chief shall ultimately be responsible to the Chief Administrative Officer.

- 4.2 The Fire Chief shall perform such functions and have such powers and responsibilities as the Chief Administrative Officer may prescribe from time to time.
- 4.3 The Fire Chief is hereby authorized to take action for the development, rules, regulations, and policies for the ongoing organization and administration of the Fire Department.
- 4.4 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.
- 4.5 The Fire Chief or any other Member in charge at an Incident is empowered to cause the Fire Department to enter on any land or premises, including adjacent land or premises, to combat, control, or deal with the Incident in whatever manner he deems necessary.
- 4.6 Upon approval of the City Manager, the Fire Chief may negotiate on behalf of the Chief Administrative Officer 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 the establishing or renewing of any mutual aid agreement or fire control agreement or amendments thereto.
- 4.7 For the purpose of fire investigations and inspections, the Fire Chief may obtain assistance from other officials of the City as he deems necessary in order to discharge his duties and responsibilities under this Bylaw.

Section 5 Requirement to Report

- 5.1 The Owner or his authorized agent of any property damaged by fire shall immediately report to the Fire Department particulars of the fire in a manner and form that is satisfactory to the Fire Chief.
- 5.2 The Owner or his authorized agent of any property containing a Dangerous Good(s) that sustains an accidental or unplanned release of the Dangerous Good(s) shall immediately report to the Fire Chief particulars of the release in a manner and form that is satisfactory to the Fire Chief.

Section 6 Barbeques/Table Top Propane Fueled Fire Pits Regulations

- 6.1 The Alberta Fire Code states that “No person shall use a solid fuel-fired barbeque in a building or on a balcony of a building containing more than two (2) Dwelling Units”.

6.2 If the Owner(s) of a building allow propane barbeques and other appliances to be installed on their outdoor decks and/or balconies, the barbeques, cylinders or any other items shall be installed in accordance with the manufacturer's certified instruction and the CSA B149 code requirements as follows:

- i) the barbeques and portable appliances shall be certified by a recognized certification organization (i.e. CSA, ITS, ULC and cUL);
- ii) be equipped with a maximum of one (1) twenty pound (20-lb) cylinder per installation;
- iii) the cylinder shall be equipped with a QCC-1 (Quick Closing Coupling) connection valve, which incorporates an Over Fill Protection Device (OPD);
- iv) the balcony shall be of an open design and shall not be located below grade;
- v) the balcony shall be of sufficient size to provide adequate clearance to combustible materials as required by the barbeque manufacturer's instructions;
- vi) while being transferred through the building for refilling purposes, the cylinder OCC-1 valve shall be closed and equipped with a protective cap;
- vii) the transfer by elevator shall be by freight or service elevator or by a passenger elevator only if no passengers are permitted on the elevator other than the Person in control of the cylinder;
- viii) a cylinder that is damaged, leaking, or due for prescribed re-examination, shall not be filled but shall be removed from service; and
- ix) a cylinder not connected for use shall be stored outdoors.

6.3 If the Owner(s) of a building allow table top propane fueled fire pits or other heating appliances to be installed on their decks and/or balconies, then the appliances, cylinder or any other items shall be installed in accordance with manufacturer's certified instructions and the CSA B149 code requirements as follows:

- i) the barbeques and portable appliances shall be certified by a recognized certification organization (i.e. CSA, ITS, ULC and cUL);
- ii) be equipped with a maximum of one (1) twenty pound (20 lb) cylinder per installation

- iii) the cylinder shall be equipped with a QCC-1 (Quick Closing Coupling) connection valve, which incorporates an Over Fill Protection Device (OPD);
- iv) the balcony shall be of an open design and shall not be located below grade;
- v) the balcony shall be of sufficient size to provide adequate clearance to combustible materials as required by the fire pit manufacturer's instructions;
- vi) while being transferred through the building for refill purposes, the cylinder OCC-1 valve shall be closed and equipped with a protective cap;
- vii) the transfer by elevator shall be by freight or service elevator or by a passenger elevator only if no passengers are permitted on the elevator other than the Person in control of the cylinder;
- viii) a cylinder that is damaged, leaking, or due for prescribed re-examination, shall not be filled but shall be removed from service; and
- ix) a cylinder not connected for use shall be stored outdoors.

Section 7 Open Air Fires

- 7.1 No Person shall permit an Open Air Fire or any other fire upon land owned or occupied or under his control within the City unless a Fire Permit has been obtained, the provisions outlined on the Fire Permit are complied with, and Burnable Debris is burned.
- 7.2 Every Person who builds, ignites or allows a fire on a Premises must ensure that the fire is not left unsupervised at any time. Every Person who builds, ignites or allows a fire in a Fire Pit must ensure that:
- i) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - ii) the flames from the fire do not exceed one (1) metre in height at all times;
 - iii) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.
- 7.3 Notwithstanding Section 7.1, a Fire Permit shall not be required under this Bylaw to conduct:
- i) the cooking of food using a Portable Appliance;

- ii) recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Fireplaces, provided:
 - a) 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;
 - b) the Acceptable Fire Pit or Acceptable Fireplace is not used to burn Prohibited Debris;
 - c) 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; and
 - d) a responsible adult is present on the property when the fire is burning;
- iii) burning in fireplaces in or attached to Dwellings as provided by legislation;
- iv) burning in City owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the City;
- v) burning in an Incinerator for which a permit to construct and licence to operate has been issued pursuant to the applicable legislation; or
- vi) burning by the Fire Department for the purpose of training its Members.

Section 8 Fire Safety Plans

- 8.1 The Alberta Fire Code requires buildings or parts of buildings undergoing construction or demolition to have a fire safety plan.
- 8.2 The Fire Safety Plan must comply with all appropriate requirements outlined in the Alberta Fire Code. Minimum safety measures at construction or demolition sites include, but are not limited to:
 - i) accessibility for emergency services;
 - ii) all hydrants must be operable and kept free from obstruction;
 - iii) standpipe connections (Fire Department connections) must be identified and accessible;
 - iv) site must be kept clear of combustible debris;

- v) site must be secured; and
- vi) contractors must provide fire extinguishers at accessible locations.

8.3 Fire Safety Plans must be reviewed by the Fire Prevention Bureau prior to commencement of work.

Section 9 Fire Permits

9.1 Any Person wishing to obtain a Fire Permit must apply to the Fire Chief during the normal business hours of the Fire Department.

9.2 Each application for a Fire Permit must contain the following information:

- i) the name and address of the applicant and the name and address of the Owner of the land on which the applicant proposes to set a fire;
- ii) the legal and municipal description of the land on which the applicant proposes to set a fire;
- iii) the period of time for which the Fire Permit is required;
- iv) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
- v) the signature of the applicant; and
- vi) the written consent to the proposed fire by the Owner of the land (if different than the applicant).
- vii) each Fire Permit must be numbered and contain the signature, name, and designation number of the authorizing Safety Codes Officer.

9.3 Upon receipt of an application for a Fire Permit, the Fire Chief shall consider the application, and may, pursuant to the provisions of this Bylaw and the Alberta Fire Code:

- i) refuse to grant a Fire Permit;
- ii) grant a Fire Permit with or without terms and conditions as he deems appropriate; or
- iii) determine that a Fire Permit is not required.

9.4 If a fire pit is not an Acceptable Fire Pit or if a fireplace is not an Acceptable Fireplace, the Fire Chief may issue a Fire Permit if he is satisfied that the non-conforming fire pit or fireplace meets appropriate safety standards.

- 9.5 No Person shall sell, possess, or discharge Fireworks in the City unless they have the appropriate permits and licensing for high level displays. A Fire Permit is required for the discharge of Fireworks. Fireworks must be purchased from a recognized company that meets all current provincial or federal regulations and standards.
- 9.6 Fireworks considered low level displays are banned within the City. Possession, sale, or storage of Fireworks is prohibited.
- 9.7 The Fire Permit fee shall as set out in the *User Fees and Charges Bylaw* and shall be paid upon approval of the Fire Permit application.¹
- 9.8 A Fire Permit shall not be transferable.
- 9.9 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief and shall state the period of time for which the said Fire Permit is valid.
- 9.10 The Fire Chief may extend in writing the period of time that a Fire Permit is valid provided the Fire Permit has not expired.

Section 10 Recovery of Costs

- 10.1 Where the Fire Department has taken any action whatsoever for the purpose of:
- i) site inspections for regulated occupancies;
 - ii) requested site inspections and required fire investigations;
 - ii) business inspections;
 - iv) file searches;
 - v) report copies;
 - vi) duplicate copies of photographs;
 - vii) photocopies of photographs;
 - viii) site inspection of Fire Permit for flammable or combustible fuel tank installation;
 - ix) site inspection and Fire Permit for flammable or combustible fuel tank removal; or

¹ Bylaw B-44/2023

- x) Fire Permit (includes the discharge of Fireworks);

the required fee shall be paid to the Fire Department.

10.2 Where the Fire Department has extinguished a fire or responded to a fire call or Incident within or outside the City for the purpose of preserving life, property and the environment from injury or destruction by fire or other Incident, including any such action taken by the Fire Department on a False Alarm, the Fire Chief may, in respect of any costs incurred by the Fire Department in taking such action, charge any costs incurred by the Fire Department 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.

10.3 The fees and charges charged by the Fire Department for services rendered pursuant to this Bylaw are set out in *the User Fees and Charges Bylaw*.²

10.4 In respect of the fees or charges required to be paid under this Bylaw:

- i) the City may recover such fees or charges as a debt due and owing to the City; or
- ii) in the case of action taken by the Fire Department and where permitted under the *Municipal Government Act*, such fees or charges may be charged against the land as taxes due and owing in respect of that land.

Section 11 Offences and Penalties

11.1 The Fire Chief may terminate, suspend, or cancel a Fire Permit upon contravention of any provision of this Bylaw or the Alberta Fire Code or any terms and conditions found on the Fire Permit.

11.2 A person, who contravenes any provision of this Bylaw 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 (\$2,500) Dollars. No person found guilty of an offence under this Bylaw shall be liable for imprisonment.

² Bylaw B-44/2023

11.3 Where a Person:

- i) fails to obtain a Fire Permit as required under this Bylaw; or
- ii) obtains a Fire Permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw or the conditions outlined on the Fire Permit; 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; and
- iv) a fire beyond the control of the Person or other Incident results therefrom, then such Person shall be liable to pay all costs for emergency response incurred by the Fire Department; and the City shall be able to recover to recover from such Person all such costs as a debt owing to the municipality.

11.4 A Peace Officer is hereby authorized and empowered to issue a Voluntary Payment Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

11.5 A municipal Voluntary Payment Tag may be issued to such Person:

- i) either personally; or
- ii) by mailing a copy to such Person at his last known address.

11.6 Where a contravention of this Bylaw is of a continuing nature, further Voluntary Payment Tags or Summons may be issued by a Peace Officer, provided that no more than one Voluntary Payment Tag or Summons shall be issued for each calendar day that the contravention continues.

11.7 Where a Voluntary Payment Tag is issued pursuant to this Bylaw, the Person to whom the Voluntary Payment Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified on the Voluntary Payment Tag.

11.8 Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

Section 12 Violation Ticket

12.1 If the penalty specified on a Voluntary Payment Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

12.2 Notwithstanding any other provision of this Bylaw, 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 bylaw.

Section 13

In the event that any provision of this Bylaw is inconsistent with any legislation of the Government of Canada or the Province of Alberta, the legislation of the Government of Canada or the Province of Alberta shall prevail.

13.1 Bylaw No. B-13/2008 and any amendments thereto is hereby repealed.

READ a first time this 15th day of October, 2018.

READ a second time this 15th day of October, 2018.

READ a third time this 15th day of October, 2018.

Executed this 15th day of October, 2018.

"P. Brown"

Mayor

"S. Pollyck"

City Clerk

Consolidated 12/28/2023

Charlotte Satink

City Clerk

SCHEDULE "A"

Voluntary Payment Tag	1 st Offence	\$250.00
	2 nd and Subsequent Offences	\$500.00

Other fees and charges charged by the Fire Department for services rendered pursuant to this Bylaw are set out in the User Fees and Charges Bylaw.³

³ Bylaw B-44/2023