

**BEING A BY-LAW OF THE VILLAGE OF CLYDE  
IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT AND  
OPERATION OF A VOLUNTEER FIRE DEPARTMENT, TO PROVIDE PROTECTION  
SERVICES AND THE RECOVERY OF FIRE PROTECTION SERVICE COSTS**

WHEREAS the *Municipal Government Act* R.S.A. 2000 Chapter M-26, as amended, provides that a Council of a Municipality may pass bylaws for 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AND WHEREAS the *Municipal Government Act* R.S.A. 2000 Chapter M-26, as amended or repealed and replaced from time to time, provides that a municipality may collect, pursuant to a bylaw, costs and expenses incurred by the municipality for extinguishing fires;

AND WHEREAS the Council for the Village of Clyde wishes to regulate the use and setting of fires within the Village;

AND WHEREAS the Council for the Village of Clyde wishes to establish and provide for the efficient operation of Fire Protection Services including the recovery of Fire Protection Service Charges

THEREFORE, the Council of the Village of Clyde, duly assembled, enacts as follows:

**SECTION 1 NAME OF BYLAW**

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

**SECTION 2 DEFINITIONS**

2.1 "Apparatus" means any vehicle suitable for land, air, or water use which is provided with machinery, devices, equipment, materials or personnel for Firefighting, rescue, or other emergency response, as well as vehicles used to transport Members or supplies";

2.2 "CAO or Chief Administrative Officer" means the individual appointed by Council to the position of CAO for the Village in accordance with the *Municipal Government Act*, R.S.A. 2000, Chapter M-26;

2.3 "Council" means the Council of the Village of Clyde;

2.4 "Equipment" means any tools, contrivances, devices and materials used by the Fire Department to combat an Incident or other emergency;

- 2.5 “Enforcement Officer” means a Community Peace Officer, Bylaw Enforcement Officer, or other individual appointed by the Village with respect to the enforcement of bylaws of the Village of Clyde and authorized to issue Violation Tickets pursuant to Part 2 of the *Provincial Offences Procedures Act* R.S.A. 2000, c. P-34. All Enforcement Officers are designated Officers within the meaning of the *Municipal Government Act* R.S.A. 2000 Chapter M-26, as amended, for the purpose of enforcing the provisions of this Bylaw;
- 2.6 “False Alarm” means any notification to the Fire Department or any Member thereof respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or Property, wherein such a condition, circumstance or event is in fact not in existence;
- 2.7 “Fire” means the burning of any flammable or combustible material or any combustible material in a state of combustion;
- 2.8 “Fire Chief” means the Member of the Fire Department who is appointed as the head of the Fire Department;
- 2.9 “Fire Department” means any fire department established by Council pursuant to this Bylaw and includes any person duly appointed to the Fire Department by the Fire Chief from time to time;
- 2.10 “Fire Protection Agreement” means an agreement entered into by the Village with another municipality or entity, with a view to ensuring the prevention and control of fires, with respect to land within the Village’s boundaries or under the Village’s control and/or another municipality’s boundaries or control;
- 2.11 “Fire Protection Services” means all aspects of Fire safety including but not limited to, fire prevention, fire suppression, firefighting, rescue, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development, advising, and responding to a request for fire protection, including legitimate emergencies and False Alarms;
- 2.12 “Fire Protection Charge” means the charges and fees payable pursuant to Section 7 of this Bylaw;
- 2.13 “Fireworks” means any article defined as a firework or firecracker pursuant to the Canada *Explosives Act* as amended repealed or replaced from time to time or regulations thereto, as well as the Alberta *Fire Code*, as amended repealed or replaced from time to time;
- 2.14 “Incident” means a Fire or situation where Fire or explosion is imminent or any other situation where there is danger or possible danger to life or property;
- 2.15 “Member” means any person who is a duly appointed member of the Fire Department

including the Fire Chief, and Officer and volunteer fire fighter;

2.16 "Officer" means a Member duly appointed as the Fire Chief, Deputy Fire Chief, Captain or other such position having a supervisory role within the Fire Department;

2.17 "Outdoor Fireplace" means a receptacle that meets the following specifications:

2.17.1 A minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;

2.17.2 The fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;

2.17.3 The fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;

2.17.4 The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;

2.17.5 The base of the fire burning area is not less than 0.3 metres above the surrounding grade;

2.17.6 The fire chamber does not exceed 1.25 metres in width, and is at least 0.4 metres but not more than 0.6 metres in depth; and

2.17.7 Is otherwise acceptable to the Fire Chief or designated Officer.

2.18 "Person" means any individual, body corporate, partnership or other type of legal entity whatsoever;

2.19 "Pit Fire" means an outdoor receptacle acceptable that adheres to the following regulations:

2.19.1 A minimum of 12 feet clearance, measured from the nearest fire pit edge is maintained from buildings, property lines, or other combustible material;

2.19.2 A conditional approval may be issued at the sole discretion of the Fire Chief or his designated Officer for fire pits with a minimum clearance of 9', measured from the nearest fire pit edge is maintained from buildings, property lines, or other combustible material;

2.19.3 Made of all metal construction or brick made special for fire pits;

2.19.4 Maximum of 30 inches in diameter;

- 2.19.5 Minimum of 8 inches in height
  - 2.19.6 Clean burning wood only (no shrubs, grass, leaves, garbage, fuel, or oil products are permitted);
  - 2.19.7 Flames should be kept to less than 3 feet in height from the ground;
  - 2.19.8 All fire pits must be approved by the Fire Chief or designated Officer.
  - 2.19.9 All fire pits in the Village of Clyde prior to 2020 must be re-inspected by the Fire Chief or designated Officer prior to January 1, 2022.
- 2.20 "Practice" means a gathering of the Members scheduled by the Fire Chief or designated Officer, and at which training in Fire Protection Services is conducted;
- 2.21 "Property" means any real property or personal property which, without limiting the generality of the foregoing, includes land, equipment, products, vehicles and structures;
- 2.22 "Recreational Fire" means a Fire for recreational purposes and is confined to a non-combustible container, such as a Pit Fire or Outdoor Fireplace, as approved by the Fire Chief, which is set for the purpose of cooking, obtaining warmth or viewing for Pleasure. Such Fire may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane;
- 2.23 "Running Fire" means a Fire burning without being under the proper or any control of a person;
- 2.24 "Standard Operating Procedures" means the standard operating procedures for the Fire Department as adopted by Council from time to time; and
- 2.25 "Village" means the Village of Clyde.

### **SECTION 3     ESTABLISHMENT OF DEPARTMENT**

- 3.1 There is hereby established the Village of Clyde Volunteer Fire Department to provide Fire Protection in the Village.
- 3.2 The Department shall respond within the scope that the department's manpower, equipment and training permits, for the purpose of:
- 3.2.1 Providing Fire Protection Services;
  - 3.2.2 Preventing, combating and extinguishing Fires and Incidents;

- 3.2.3 Investigating the cause and origin of Fires and Incidents;
  - 3.2.4 Preserving life and property and protecting persons and property from injury or destruction by Fire or Incident;
  - 3.2.5 Operating Apparatus and Equipment for the purpose of extinguishing Fires or Incidents and preserving life and Property;
  - 3.2.6 Fulfilling obligations under approved Fire Protection Agreements;
  - 3.2.7 Providing public education about Fire Safety;
  - 3.2.8 Carrying out Fire inspections and prevention patrols;
  - 3.2.9 Pre-Fire and emergency planning and practice;
  - 3.2.10 Providing initial first response to medical incidents; and
  - 3.2.11 Providing rescue services;
- 3.3 Council shall establish by policy such organizational structure for the Department as may be appropriate and may establish Officer positions, prescribe the duties, expectations and qualifications of such Officers and establish the method of their selection and appointment;
- 3.4 Members shall carry out duties and responsibilities assigned to them under the By-law or Policies adopted by the Board or Council or by the Fire Chief.
- 3.5 The Fire Chief shall be voted in by the Fire Department and appointed by Council;
- 3.6 The Fire Chief is a member of the Fire Department;
- 3.7 The Fire Chief shall be responsible to the CAO and shall report directly to the CAO on all operational and administrative matters, and may be required to report to the CAO on a monthly basis.
- 3.8 The Fire Chief shall report all Fires and Incidents immediately after completing response to said Fires and Incidents to the CAO, or appropriate authority, with sufficient details to enable the invoicing process to properly occur and to meet the requirements of the *Safety Codes Act*, R.S.A. 2000, Chapter S-1, as amended, repealed or replaced from time to time.
- 3.9 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the CAO, to which he or she shall be responsible. In particular, the Fire Chief may direct the Fire Department and its Members to carry out all Fire Protection service activities and such other activities as

the CAO directs, including but not limited to:

- 3.9.1 Pre-Fire Planning;
- 3.9.2 Preventative Patrols;
- 3.9.3 Fire Suppression activities;
- 3.9.4 Emergency medical services, excepting ambulance services;
- 3.9.5 Rescue operations;
- 3.9.6 Disaster Relief; and
- 3.9.7 Practice and Member training;

#### **SECTION 4 JURISDICTION**

- 4.1 The limits of the jurisdiction of the Department, the Fire Chief and Members shall extend to the area and boundaries of the Village and no apparatus shall be used beyond the limits of the Village without the express Authorization of a Mutual Aid Agreement.
- 4.2 Council may by resolution enter into agreements with other municipalities for the joint use, control and management of fire extinguishing, apparatus and equipment.

#### **SECTION 5 FIRE HYDRANTS**

- 5.1 No person other than members or employees of the Village, shall without prior approval from the Fire Chief affix any tool, hose or other device to any fire hydrant or fire hydrant valve.
- 5.2 No person shall, without prior approval from Council for the Village of Clyde or the Municipal Administrator, paint any fire hydrant, or any portion thereof.

#### **SECTION 6 CONTROL OF FIRE HAZARDS**

- 6.1 Inspection Officers shall be given access at reasonable hours to both public and private property for the purpose of inspecting the premises to ascertain whether there constitutes or is likely to constitute a fire hazard.
- 6.2 If the Fire Chief or his/her designate finds within the Village's boundaries, on privately owned land or public land, conditions that, in its opinion, constitute a Fire Hazard,

he/she may order the owner or the person in control of the Land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the Village.

- 6.3 If the Fire Chief or his/her designate finds that the order he/she made pursuant to Section 6.2 has not been carried out, the Fire Chief or his/her designate may enter onto the land with any Equipment and any person he/she considers necessary for the purpose of performing the work required to eliminate or reduce the Fire Hazard.
- 6.4 The owner or occupant of the land on which work was performed pursuant to Section 6.3 shall, upon demand, pay to the Village a Fire Protection Charge. If the person defaults in payment of the Fire Protection Charge, the Village may add the Fire Protection Charge to the tax roll of the said land, which shall form a special lien against the land in favour of the Village from the date it was added to the tax roll.

## **SECTION 7     FIRE PROTECTION CHARGES**

7.1 Upon the Fire chief or his/her designate issuing an Order or taking steps under Sections 6.2 or 6.3, or upon the Fire Department providing Fire Protection Services to Property located within or outside the Village's boundaries, resulting in the Village incurring fees or charges, the Village may in its sole and absolute discretion charge any or all of the following persons, namely:

7.1.1       The person causing or contributing to the Fire; and/or

7.1.2       The owner or occupant of the Property which is the subject of the Order, steps or Fire Protection Services.

a Fire Protection Charge. All individuals charged are jointly and severally responsible for payment of the Fire Protection Charge to the Village.

- 7.2 The schedule of fees for Fire Protection Charges are set out in Schedule "A" attached hereto and forming part of this Bylaw, as such Fire Protection Charges may be altered by Council from time to time.
- 7.3 Without limiting the foregoing, a Fire Protection Charge may be imposed in the event of a False Alarm.
- 7.4 Members are hereby authorized to act as an agent of the Village in the collection of the Fire Protection Charge.
- 7.5 The Fire Department, after reasonable efforts to collect the Fire Protection Charge, may request assistance from the Village to collect the Fire Protection Charge.
- 7.6 A Fire Protection Charge shall be paid within thirty (30) days of being levied.

- 7.7 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Village is entitled to place on the Property in respect of which the indebtedness is incurred.
- 7.8 The owner or a parcel to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Village may add to the tax roll of a parcel of land all unpaid Fire Protection Charges and interest charges accrued one hundred and twenty (120) days after the Fire Protection Charge has been levied.
- 7.9 Where any person who caused a Fire fails to pay Fire Protection Charges, the Village may add the unpaid Fire Protection Charges, together with any interest charges accrued, to the tax roll of any property for which that person is the assessed person.

**SECTION 8 FIRE PERMITS**

- 8.1 The Village of Clyde does not issue open air fire permits,
- 8.2 Controlled burning may be required and performed at the discretion of the Village of Clyde Fire Chief or Designated Officer.

**SECTION 9 FIREWORKS**

- 9.1 No person shall discharge any fireworks within the corporate limits of the Village without first applying for and obtaining a Permit for the same pursuant to the Fireworks Bylaw 2015-05.

**SECTION 10 PERMITTED AND PROHIBITED FIRES**

- 10.1 No Person shall set, or cause to be set, any Fire within the boundaries of the Village except as otherwise provided for under this Bylaw.
- 10.2 No person shall burn, or cause to be burned, any refuse, waste, junk, garbage, structures, debris or other noxious substance within the boundaries of the Village.
- 10.3 When a Fire is set in contravention of Section 10.1, or during a Fire Ban issued pursuant to Section 12, the owner or occupier of the land, or the Person having control of the land upon which the Fire is lit shall:
  - 10.3.1 Extinguish the Fire immediately; or
  - 10.3.2 If unable to extinguish the Fire immediately, report the Fire to the Fire Department as soon as possible.

10.4 The following types of Fires are permitted:

- 10.4.1 Pit Fires;
- 10.4.2 Fires fully contained within an indoor fireplace or Outdoor Fireplace;
- 10.4.3 Recreational Fires; and
- 10.4.4 Incinerator Fires.

10.5 This Bylaw does not apply to any industrial or commercial type Incinerator Fire that is required to be licensed under the ***Environmental Protection and Enhancement Act***, R.S.A. 2000, c.E-12, as amended, and regulations there under.

10.6 This Bylaw does not apply to any Fire set for practice purposes for the Fire Department.

## **SECTION 11 FIRE BAN**

11.1 The Chief Administrative Officer or the Fire Chief may, from time to time, prohibit all Fires within the Village including Fires described in section 10.4, when in the opinion the Chief Administrative Officer or the Fire Chief, the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.

11.2 A Fire Ban imposed pursuant to Section 11.1 of this Bylaw, shall remain in force either until the date established by the Chief Administrative Officer or the Fire Chief in the notice provided to the public pursuant to section 11.3, or until such time the Chief Administrative Officer or the Fire Chief provides notice to the public that the Fire Ban is no longer in effect.

11.3 The Fire Chief or CAO shall give notice of the Fire Ban in effect by causing signs to be posted at the entrance roads to the Village, facing both incoming and outgoing traffic; and/or posted at the Village Office; and/or available on our website. Such a sign shall indicate that the Fire Ban is in place, the date if any that the Fire Ban shall be lifted, and the penalty for failing to comply with the Fire Ban.

11.4 When a Fire Ban is in place, no person shall ignite a Fire, and shall immediately extinguish any Fire lit once the Person knows or ought reasonably to know of the Fire Ban.

## **SECTION 12 RIGHT OF REVIEW**

12.1 Any person who receives a written Order or Fire Protection Charge issued pursuant to this Bylaw may request a review of the Order or Fire Protection by Council, under

terms prescribed by Section 547 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, by issuing a written review request including reasons for the review request to Council within 14 days after receiving the Order or notice of the Fire Protection Charge.

12.2 After reviewing the Order or Fire Protection Charge, Council may confirm, vary, substitute or cancel the Order or Fire Protection Charge.

### **SECTION 13 INTERFERENCE WITH DUTIES**

13.1 No person shall obstruct the Fire Chief, a Member or any other person authorized to inspect Property or to perform any work necessary to remedy a condition, from performing his or her duties under this Bylaw.

### **SECTION 14 LIABILITY**

14.1 The Chief Administrative Officer, Fire Chief, Members, Enforcement Officers or anyone else authorized to enforce the provisions of this Bylaw or take steps under this Bylaw are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers.

### **SECTION 15 OFFENCES**

15.1 No Person shall:

15.1.1 Contravene any provisions of this Bylaw;

15.1.2 Impede, obstruct or hinder a Member, or other person assisting or acting under the direction of a Member;

15.1.3 Damage or destroy Fire Department Property, Apparatus or Equipment;

15.1.4 At an Incident, drive a vehicle over any Equipment or Fire Department Property without permission from the Fire Chief or Incident Commander;

15.1.5 Obstruct a Member from carrying out any function or activity related in any way to Fire Protection;

15.1.6 Falsely represent themselves as a Member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia which may leave the false impression that the person is a Member;

- 15.1.7 Obstruct or otherwise interfere with access roads or streets or other approaches to any Fire alarm, fire hydrant, cistern or body of water designated or intended to be used for Fire Protection or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern, or other body of water designated or intended to be used for Fire Protection;
- 15.1.8 Permit a Fire to be lit upon lands that are owned or occupied by that person, or under that person's control except when such a Fire is allowed under this Bylaw;
- 15.1.9 When a Fire is set under the circumstances described in Section 15.1.8 the owner or occupier of the land, or the person having control of the land upon which the Fire is lit does not extinguish the Fire immediately or if unable to extinguish the Fire immediately, report the Fire to the Fire Department;
- 15.1.10 Either directly, or indirectly, personally or through an agent, servant or employee kindle a Fire or let it become a Running Fire on any land not his or her own property or allow a Running Fire on any land not his or her own property or allow a Running Fire to pass from his or her own property to that of another;
- 15.1.11 Light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times;
- 15.1.12 Light a Fire when the weather conditions are conducive to creating a Running Fire;
- 15.1.13 Fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or from spreading onto Property other than his or her own;
- 15.1.14 Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire;
- 15.1.15 Conduct any activity that involves the use of Fire that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring;
- 15.1.16 Use a Fire to burn:
  - 15.1.16.1 Material that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, construction materials, or other materials or creosoted wood; or
  - 15.1.16.2 Herbicides, pesticides or other toxic materials or substances;

- 15.1.17 Conduct any activity that involves the use of any type of Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any Highway as defined in the *Traffic Safety Act*, R.S.A. 2000 Chapter T-6, as amended;
- 15.1.18 Light a Fire on lands owned or controlled by the Village except with the Village's express written consent or, if a Recreational Fire, in a fireplace or campfire pit provided by the Village for the purpose.
- 15.1.19 Provide false, incomplete or misleading information to the Fire Chief or his/her designate or any representative of the Fire Department with respect to a Fire.

**SECTION 16 PENALTIES**

16.1 Any person who:

16.1.1 Violates any provision of this Bylaw;

16.1.2 Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;

16.1.3 Neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw;

16.1.4 Does any act or thing or omits any act or thing which violates any provision of this Bylaw;

Is guilty of an offence under this Bylaw, and upon a conviction, is liable to a fine as set out in Schedule "B" attached hereto and forming a part of this Bylaw.

16.2 Notwithstanding Section 16.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence shall be liable to either double the fine for the first offence or the fine specifically establishes for subsequent offences as set out in Schedule "B" of this Bylaw.

16.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

**SECTION 17 VIOLATION TAGS**

17.1 A By-Law Officer is hereby authorized and empowered to issue Violation Tags to any Person whom the By-Law Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 17.2 A Violation Tag may be issued to such Person:
- 17.2.1 either Personally; or
  - 17.2.2 by placing a copy of the Violation Tag on the vehicle; or
  - 17.2.3 by mailing a hard copy to such Person at their last known postal address.
- 17.3 A Violation Tag shall be in a form approved by the Village and shall state:
- 17.3.1 the name of the Person;
  - 17.3.2 the offence;
  - 17.3.3 the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
  - 17.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
  - 17.3.5 any other information that may be required by the Village.
- 17.4 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay the Village the specified penalty set out on the Violation Tag.
- 17.5 Payment must be received within thirty (30) days of date of issuance of this Violation Tag, to avoid the administrative surcharge of twenty dollars (\$20.00) or twenty percent (20%) of the specified penalty, whichever amount is greater.

## **SECTION 18 VIOLATION TICKETS**

- 18.1 In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a By-Law Officer is hereby authorized and empowered to issue a Violation Ticket/Summons.
- 18.2 Notwithstanding Section 17, a By-Law Officer is authorized and empowered to immediately issue a Violation Ticket/Summons to any Person who the By-Law Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
- 18.3 A Violation Ticket/Summons issued with respect to a contravention of this

Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, as amended or repealed or replaced from time to time.

- 18.4 The Person to whom the Violation Ticket/Summons has been issued may plead guilty by specified penalty in respect of the Violation Ticket/Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket/Summons together with an amount equal to the specified penalty for the offence as provided for in this Bylaw.
- 18.5 When a Clerk of the Provincial Court records the receipt of a specified penalty pursuant to Section 18.4 of this Bylaw, 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 the specified penalty in the amount of the specified penalty.

## **SECTION 19 ORDER TO COMPLY**

- 19.1 An Order issued by a By-Law Officer or the Village Administrator and/or his designate may:
- 19.1.1 direct a Person to stop doing something, or to change the way in which the Person is doing it;
  - 19.1.2 direct a Person to take any action or measures necessary to remedy the contravention of this Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
  - 19.1.3 state a time within which the Person must comply with the directions;  
or
  - 19.1.4 state that if the Person does not comply with the directions within a specified time, the Village will take the action or measure at the expense of the Owner or Occupier.
- 19.2 An Order issued pursuant to this Section may be served:
- 19.2.1 by delivering it personally to the Person;
  - 19.2.2 by leaving it for the Person at their apparent place of residence with someone who appears to be at least eighteen (18) years of age;
  - 19.2.3 by mail, addressed to the Person at their apparent place of residence or at any address for the Person on the tax roll of the Village or at the Land Titles registry; or

- 19.2.4 by posting it in a conspicuous place on the Premises or Property referred to on the Order.
- 19.3 If in the opinion of the Village Administrator and/or his designate, service of the written Order cannot be reasonably affected, or if the Village Administrator and/or his designate believes that the Owner of the Premises or Property is evading service, the Village Administrator and/or his designate may post the written Order in a conspicuous place on the Premises or Property, or on the private dwelling place of the Owner of the Premises or Property, and the written Order shall be deemed to be served upon the expiry of three (3) days after the written Order is posted.
- 19.4 When an Owner fails to remedy a contravention of this Bylaw within the time allowed in a written Order, the Village may enter the Premises or Property to perform or complete the work necessary to remedy the violation of this Bylaw the costs incurred by the Village to remedy the violation will be billed to the Owner and will be amounts owing to the Village. If the costs are not paid in the time specified by the Village, the costs may be charged against the Premises or Property as a special assessment to be recovered in the same manner as other taxes.
- 19.5 Any Person who fails to comply with an Order made under this Bylaw is guilty of an offence.

## **SECTION 20 SEVERABILITY**

- 20.1 If any portion of this Bylaw is declared invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

## **SECTION 21 APPEALS**

- 21.1 A Person who receives a written Order to comply with a Section pursuant to this Bylaw may by written notice, within seven (7) days in the case of a Section 546 order and fourteen (14) days in the case of a Section 545 order, after the date the Order is received, request Council to review the Order.
- 21.2 After reviewing the Order, Council may confirm, vary, substitute or cancel the Order.
- 21.3 A notice of Appeal shall be in writing and set out:
- 21.3.1 the name and address of the appellant;

21.3.2 the legal description or civic address of the property affected;

21.3.3 the ground for the appeal

21.4 A notice of appeal shall be accompanied by an administrative fee of two hundred dollars (\$200.00);

21.5 In the event that Village Council rules in favor of the appellant and upholds the appeal, the administrative fee shall be fully refunded to the appellant.

**SECTION 22 NUMBER AND GENDER REFERENCE**

All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

**SECTION 23 REPEAL**

That Bylaw 2017-04 and all amendments hereto are hereby repealed.

**SECTION 24 EFFECTIVE DATE**

This Bylaw becomes effective upon third and final reading.

READ a first time this 11th day of May, 2020

READ a second time this 11th day of May, 2020

UNANIMOUS CONSENT for third reading this 11th day of May, 2020

READ a third time and finally passed this 11th day of May, 2020

Signed by Chief Administrative Officer and Mayor this 11 day of May, 2020

[Redacted signature area]

Mayor Christa Clausing

[Redacted signature area]

Ron Cust, CAO

**SCHEDULE "A"**  
**FIRE PIT APPLICATION FEE and FIRE PROTECTION CHARGES**

- A. Application fee for a Fire Pit shall be \$20.00.
- B. Where the Village has taken any action whatsoever responding to an Incident or False Alarm, the Fire Protection Charge shall be:
  - a. \$400.00 per hour per an Emergency Services response for the first TWO (2) hours; plus
  - b. \$400.00 per hour per unit of Emergency Services Property dispatched to the Incident after the first TWO (2) hours (if applicable).
- C. If the Incident occurs on Municipal Roadways, the Fire Protection Charge shall be:
  - a. \$400.00 per hour per an Emergency Services response for the first TWO (2) hours; plus
  - b. \$400.00 per hour per unit of Emergency Services Property dispatched to the Incident after the first TWO (2) hours (if applicable).
- D. If the Incident occurs on Provincial Highways, the Fire Protection Charge shall be calculated in accordance with Alberta Infrastructure and Transportation Policy TCE-DC-501, as amended or repealed and replaced from time to time.
- E. With respect to the Rapid Response Unit that the charge shall be \$400.00 per hour for the first TWO (2) hours and \$100.00 per hour for any additional hours.

**SCHEDULE "B"  
FINES AND PENALTIES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>SPECIFIED PENALTY</b>
10.1	Setting illegal Fire	200.00
10.2	Burning refuse, waste, junk, garbage, structures, or debris	250.00
10.3	Burning Recreational Fire when Fire Ban in place	200.00
15.1.1	Contravening a provision of Bylaw (where no other specific fine imposed)	200.00
15.1.2	Impeding, obstructing, hindering Member or Officer	200.00
15.1.3	Damage, destroy Fire Department Property	400.00
15.1.6	Falsely represent self as a Member of Fire Department	300.00
15.1.7	Obstruct access	200.00
15.1.8	Lighting an outdoor Fire or Structure Fire in contravention of the Bylaw	200.00
15.1.9	Failing to extinguish an illegal Fire or reporting it immediately to the Fire Department	150.00
15.1.10	Allowing Fire to become Running Fire	300.00
15.1.11	Lighting a Fire without taking sufficient precautions to ensure it can be kept under control at all times	150.00
15.1.12	Lighting a Fire when condition conducive to creating a Running Fire	200.00
15.1.14	Depositing, discarding, leaving, or burning matter or substance	100.00
15.1.15	Any conduct involving Fire that might reasonably cause a Fire unless reasonable care to prevent fire is used	100.00

15.1.16	Use a Fire to burn material that will produce smoke or toxic materials	100.00
15.1.17	Impeding Vehicular and pedestrian traffic by smoke	100.00
15.1.18	Lighting Fire on Village Land	150.00
19.5	Fail to comply with Order	250.00

