

BYLAW NO. 1400

BYLAW 1400 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, A BYLAW TO REPEAL BYLAW NUMBER 1336, AND TO ESTABLISH THE FIRE SERVICE IN AND FOR THE TOWN OF INNISFAIL.

WHEREAS THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA, 1994, CHAPTER M-26.1, PROVIDES THAT A COUNCIL OF A MUNICIPALITY MAY PASS BYLAWS FOR THE SAFETY, HEALTH AND WELFARE AND THE PROTECTION OF PEOPLE AND PROPERTY.

AND WHEREAS THE COUNCIL OF THE TOWN OF INNISFAIL WISHES TO ESTABLISH A FIRE SERVICE AND PROVIDE FOR EFFICIENT OPERATION OF SUCH A FIRE SERVICE.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF INNISFAIL, OF THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 – NAME OF BYLAW

1.1 THIS BYLAW MAY BE CITED AS “THE FIRE DEPARTMENT BYLAW”.

SECTION 2 – DEFINITIONS

2.1 IN THIS BYLAW:

- A) “COUNCIL” MEANS THE COUNCIL OF THE TOWN OF INNISFAIL;
- B) “TOWN” MEANS THE TOWN OF INNISFAIL;
- C) “TOWN CONSTABLE” MEANS A MEMBER OF THE TOWN FIRE DEPARTMENT OR THE BYLAW OFFICER WHO HAS BEEN APPOINTED BY THE COUNCIL OR CHIEF ADMINISTRATIVE OFFICER OF THE TOWN TO ENFORCE THE PROVISIONS OF THE BYLAW;
- D) “DANGEROUS GOODS” MEANS ANY PRODUCT, SUBSTANCE OR ORGANISM SPECIFIED IN THE REGULATIONS OR INCLUDED BY ITS NATURE IN ANY OF THE DANGEROUS GOODS CONTROL ACT, REVISED STATUTES OF ALBERTA, 1980 CHAPTER T-6.5, AS AMENDED;
- E) “EMERGENCY UNIT” MEANS A FIRE TRUCK, PUMPER TRUCK, RESCUE TRUCK AND TANKER;
- F) “FALSE ALARM” MEANS ANY FIRE ALARM THAT IS SET OFF NEEDLESSLY, THROUGH WILLFUL OR ACCIDENTAL, HUMAN OR MECHANICAL ERROR, AND TO WHICH THE FIRE DEPARTMENT RESPONDS;
- G) “FIRE CHIEF” MEANS THE FIRE CHIEF OF THE TOWN FIRE DEPARTMENT;
- H) “FIRE DEPARTMENT” MEANS THE FIRE DEPARTMENT ESTABLISHED AND ORGANIZED FOR THE TOWN PURSUANT TO THE PROVISIONS OF THIS BYLAW CONSISTING OF, INTER ALIA, ALL PERSONS APPOINTED OR RECRUITED TO THE VARIOUS POSITIONS PRESCRIBED HEREIN, ALL EQUIPMENT, APPARATUS, MATERIALS AND SUPPLIES USED IN THE OPERATION, MAINTENANCE AND ADMINISTRATION OF THE FIRE DEPARTMENT INCLUDING FIRE STATIONS;

- D) “FIRE GUARDIAN” MEANS THE FOUR SENIOR FIRE DEPARTMENT OFFICERS (CHIEF, DEPUTY CHIEF, INSPECTOR AND TRAINING OFFICER) AND THE TOWN BYLAW OFFICER OR SUCH OTHER PERSONS AS COUNCIL SHALL APPOINT TO PERFORM SUCH FUNCTIONS AS ARE SET FORTH IN THIS BYLAW;
- J) “FIRE PERMIT” MEANS A PERMIT ISSUED BY A FIRE GUARDIAN ALLOWING THE SETTING OF OUTDOOR FIRES, STRUCTURE FIRES OR INCINERATOR FIRES WITHIN THE TOWN,
- K) “INCIDENT” MEANS A FIRE OR A SITUATION WHERE AN EXPLOSION IS IMMINENT OR ANY OTHER SITUATION WHERE THERE IS A DANGER OR A POSSIBLE DANGER TO LIFE OR PROPERTY AND TO WHICH THE FIRE DEPARTMENT HAS RESPONDED;
- L) “MEMBER” MEANS ANY PERSON WHO IS A DULY APPOINTED MEMBER OF THE FIRE DEPARTMENT;
- M) “OUTDOOR FIRE” MEANS ANY FIRE NOT CONTAINED WITHIN A BUILDING, OR STRUCTURE AND SHALL INCLUDE FIRE INVOLVING HUMUS SOIL, PILES OF COAL, FARM PRODUCE, WASTE, BUSH, GRASS FEED STRAW OR ANY FIRE THAT HAS ESCAPED OR SPREAD FROM A BUILDING, STRUCTURE, MACHINE OR VEHICLE AND ANY FIRE SET FOR THE PURPOSE OF THAWING FROZEN GROUND;
- N) “RECREATIONAL FIRE” MEANS A FIRE ON LAND WITHIN THE TOWN BOUNDARIES FOR RECREATIONAL PURPOSES AND IS CONFINED TO A NON-COMBUSTIBLE CONTAINER AS APPROVED BY A FIRE GUARDIAN, WHICH IS SET FOR THE PURPOSE OF COOKING, OBTAINING WARMTH OR VIEWING FOR PLEASURE. SUCH FIRE MAY ONLY BE FUELED WITH SEASONED WOOD, CHARCOAL, COAL, NATURAL GAS OR PROPANE;
- O) “RUNNING FIRE” MEANS A FIRE BURNING WITHOUT BEING UNDER PROPER OR ANY CONTROL OF ANY PERSON;
- P) “STRUCTURE FIRE” MEANS A FIRE CONFINED TO AND WITHIN ANY BUILDING, STRUCTURE, MACHINE OR VEHICLE WHICH WILL OR IS LIKELY TO CAUSE THE DESTRUCTION OF OR DAMAGE TO SUCH BUILDING, STRUCTURE, MACHINE OR VEHICLE, EXCLUDING AN INCINERATOR FIRE.

SECTION 3 – FIRE DEPARTMENT

- 3.1 THE COUNCIL DOES HEREBY ESTABLISH THE FIRE DEPARTMENT, FOR THE PURPOSE OF;
- A) PREVENTING AND EXTINGUISHING FIRES;
 - B) INVESTIGATING THE CAUSE OF FIRES;
 - C) PRESERVING LIFE AND PROPERTY AND PROTECTING PERSONS AND PROPERTY FROM INJURY OR DESTRUCTION BY FIRE;
 - D) PROVIDING RESCUE;
 - E) PREVENTING, COMBATING AND CONTROLLING INCIDENTS;

- F) CARRYING OUT PREVENTABLE PATROLS;
- G) ENTERING INTO AGREEMENTS WITH OTHER MUNICIPALITIES OR PERSONS FOR THE JOINT USE, CONTROL AND MANAGEMENT OF FIRE EXTINGUISHING APPARATUS AND EQUIPMENT;
- H) PURCHASING AND OPERATING APPARATUS AND EQUIPMENT FOR EXTINGUISHING FIRES OR PRESERVING LIFE AND PROPERTY.

3.2 THE FIRE DEPARTMENT IS HEREBY AUTHORIZED TO CONTROL AND MITIGATE INCIDENTS INVOLVING DANGEROUS GOODS AT THE LEVEL ESTABLISHED BY THE TOWN OF INNISFAIL.

SECTION 4 – FIRE CHIEF

- 4.1 THE FIRE CHIEF SHALL BE APPOINTED BY COUNCIL UPON THE RECOMMENDATION OF THE PROTECTIVE SERVICES COMMITTEE.
- 4.2 THE FIRE CHIEF SHALL BE RESPONSIBLE TO THE COUNCIL THROUGH THE CHIEF ADMINISTRATIVE OFFICER AND IN HIS ABSENCE THE DIRECTOR OF OPERATIONS.
- 4.3 THE FIRE CHIEF HAS COMPLETE RESPONSIBILITY AND AUTHORITY OVER THE FIRE DEPARTMENT, SUBJECT TO THE DIRECTION OF COUNCIL, AND SHALL, UPON APPROVAL OF COUNCIL, PRESCRIBE RULES, REGULATIONS AND POLICIES FOR THE ONGOING ORGANIZATION AND ADMINISTRATION OF THE FIRE DEPARTMENT, INCLUDING BUT NOT LIMITED TO:
 - A) THE USE, CARE AND PROTECTION OF THE FIRE DEPARTMENT PROPERTY;
 - B) THE APPOINTMENT, RECRUITMENT, CONDUCT, DISCIPLINE, DUTIES AND RESPONSIBILITIES OF THE MEMBERS;
 - C) THE EFFICIENT OPERATION OF THE FIRE DEPARTMENT.
- 4.4 REGULATIONS, RULES OR POLICIES MADE PURSUANT TO SECTION 4.3 OF THIS BYLAW SHALL NOT BE INCONSISTENT WITH THE LEGISLATION AND REGULATIONS OF THE PROVINCE OF ALBERTA.
- 4.5 THE FIRE CHIEF SHALL:
 - A) UPON APPROVAL OF THE COUNCIL, PURCHASE OR OTHERWISE ACQUIRE EQUIPMENT, APPARATUS, MATERIALS OR SUPPLIES REQUIRED FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF THE FIRE DEPARTMENT TO BE USED IN CONNECTION THEREWITH;
 - B) KEEP OR CAUSE TO BE KEPT, IN PROPER FORM, RECORDS OF ALL BUSINESS TRANSACTIONS OF THE FIRE DEPARTMENT, INCLUDING THE PURCHASE OR ACQUISITION OF EQUIPMENT, APPARATUS, MATERIALS OR SUPPLIES AND RECORDS OF FIRES ATTENDED, ACTIONS TAKEN IN EXTINGUISHING FIRES, INSPECTIONS CARRIED OUT AND ACTIONS TAKEN ON ACCOUNT OF INSPECTIONS AND ANY OTHER RECORDS INCIDENTAL TO THE OPERATION OF THE FIRE DEPARTMENT;

- C) UPON APPROVAL OF THE COUNCIL, NEGOTIATE ON BEHALF OF THE COUNCIL, WITH THE PROVINCIAL 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 OF FIRE CONTROL AGREEMENT OR AMENDMENTS THERETO;
 - D) PERFORM SUCH FUNCTIONS AND HAVE SUCH POWERS AND RESPONSIBILITIES AS COUNCIL MAY FROM TIME TO TIME PRESCRIBE.
- 4.6 THE FIRE CHIEF, OR ANY OTHER MEMBER IN CHARGE AT A FIRE, IS EMPOWERED TO CAUSE A BUILDING, STRUCTURE OR THING TO BE PULLED DOWN, DEMOLISHED OR OTHERWISE REMOVED IF HE DEEMS IT NECESSARY TO PREVENT THE SPREAD OF FIRE TO OTHER BUILDINGS, STRUCTURES OR THINGS.
- 4.7 THE FIRE CHIEF, OR ANY OTHER MEMBER IN CHARGE AT AN INCIDENT, 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.

SECTION 6 – FIRE GUARDIANS

- 6.1 THE FIRE CHIEF, DEPUTY CHIEF, INSPECTOR OR TRAINING OFFICER IS A FIRE GUARDIAN BY VIRTUE OF HIS OR HER APPOINTMENT AS A SENIOR OFFICER OF THE FIRE DEPARTMENT.

SECTION 7 – POWERS OF FIRE GUARDIANS

- 7.1 EACH FIRE GUARDIAN SHALL BE GIVEN ACCESS AT REASONABLE HOURS, TO BOTH PUBLIC AND PRIVATE PLACES, FOR THE PURPOSE OF INSPECTING THE PREMISES TO ASCERTAIN WHETHER THE SAME CONSTITUTES OR IS LIKELY TO CONSTITUTE A FIRE HAZARD.
- 7.2 EACH FIRE GUARDIAN SHALL HAVE THE AUTHORITY AND POWER TO:
- A) COMMANDEER AND AUTHORIZE PAYMENT FOR THE POSSESSION OR USE OF ANY EQUIPMENT FOR THE PURPOSE OF FIGHTING A FIRE AND CONTROL OF DANGEROUS GOODS;
 - B) ISSUE A FIRE PERMIT IN RESPECT OF ANY LAND WITHIN THE TOWN;
 - C) ISSUES A FIRE PERMIT UNCONDITIONALLY OR IMPOSE CONDITIONS UPON THE APPLICANT WHICH THE FIRE GUARDIAN, IN HIS DISCRETION, CONSIDERS APPROPRIATE;
 - D) SUSPEND OR CANCEL AT ANY TIME A FIRE PERMIT;
 - E) WITHOUT A WARRANT ENTER ON ANY LAND AND PREMISES, EXCEPT A PRIVATE DWELLING HOUSE, FOR THE PURPOSE OF DISCHARGING HIS DUTIES UNDER THIS BYLAW;

- F) WITHOUT A WARRANT ENTER ANY PRIVATE DWELLING HOUSE WHICH IS ON FIRE AND PROCEED TO EXTINGUISH THE FIRE OR TO PREVENT THE SPREAD THEREOF;
- G) DIRECT THE OPERATIONS OF EXTINGUISHING OR CONTROLLING THE FIRE OR THE OPERATIONS TO PRESERVE LIFE AND PROPERTY;
- H) PREVENT INTERFERENCE WITH THE EFFORTS OF PERSONS ENGAGED IN THE EXTINGUISHING OF FIRES OR PREVENTING THE SPREAD THERE OF BY REGULATING THE CONDUCT OF THE PUBLIC AT OR IN THE VICINITY OF ANY FIRE.

SECTION 8 – CONTROL OF FIRE HAZARDS

- 8.1 IF THE COUNCIL FINDS WITHIN ITS MUNICIPAL BOUNDARIES ON PRIVATELY OWNED LAND OR OCCUPIED PUBLIC LAND CONDITIONS THAT IN ITS OPINION CONSTITUTE A FIRE HAZARD, IT MAY ORDER THE OWNER OF THE PERSON IN CONTROL OF THE LAND ON WHICH THE FIRE HAZARD EXISTS TO REDUCE OR REMOVE THE HAZARD WITHIN A FIXED TIME AND IN A MANNER PRESCRIBED BY THE COUNCIL.
- 8.2 WHEN THE COUNCIL FINDS THAT THE ORDER IT MADE PURSUANT TO SECTION 8.1 HAS NOT BEEN CARRIED OUT, IT MAY ENTER ON THE LAND WITH ANY EQUIPMENT AND ANY PERSON IT CONSIDERS NECESSARY ANY MAY PERFORM THE WORK REQUIRED TO ELIMINATE OR REDUCE THE FIRE HAZARD.
- 8.3 THE OWNER OR THE PERSON IN CONTROL OF THE LAND ON WHICH WORK WAS PERFORMED PURSUANT TO SECTION 8.2 SHALL ON DEMAND REIMBURSE THE COUNCIL FOR THE COST OF THE WORK PERFORMED AND IN DEFAULT OF PAYMENT THE COUNCIL HAS A RIGHT TO REGISTER A LIEN FOR THE AMOUNT AGAINST THE LAND AND IMPROVEMENTS ON IT.

SECTION 9 – REQUIREMENT TO REPORT

- 9.1 THE OWNERS OR HIS AUTHORIZED AGENT OF ANY PROPERTY DAMAGED BY FIRE SHALL IMMEDIATELY REPORT TO THE FIRE DEPARTMENT PARTICULARS OF THE FIRES WHICH ARE SATISFACTORY TO THE FIRE CHIEF.
- 9.2 THE OWNER OR HIS AUTHORIZED AGENT OF ANY PROPERTY CONTAINING A DANGEROUS GOOD(S) PRODUCT WHICH SUSTAINS AN ACCIDENTAL OR UNPLANNED RELEASE OF THE DANGEROUS GOOD(S) PRODUCT SHALL IMMEDIATELY REPORT TO THE FIRE DEPARTMENT PARTICULARS OF THE RELEASE WHICH ARE SATISFACTORY TO THE FIRE CHIEF.

SECTION 10 – FIRE PERMIT

- 10.1 AN APPLICATION FOR A FIRE PERMIT FOR AN OUTDOOR FIRE, OR A STRUCTURE FIRE SHALL BE MADE TO A FIRE GUARDIAN IN WRITING AND THE FIRE GUARDIAN SHALL RECEIVE AND CONSIDER THE APPLICATION AND AFTER HAVING DONE SO HE MAY, IN HIS ABSOLUTE DISCRETION, ISSUE TO THE APPLICANT A FIRE PERMIT.
- 10.2 WHEN ISSUING A FIRE PERMIT A FIRE GUARDIAN MAY ISSUE THE FIRE PERMIT UNCONDITIONALLY OR IMPOSE CONDITIONS CONSIDERED APPROPRIATE.

- 10.3 FIRE PERMITS ISSUE PURSUANT TO THIS BYLAW ARE VALID FOR SUCH PERIOD OF TIME AS SHALL BE DETERMINED AND SET BY THE FIRE GUARDIAN AND THE FIRE PERMIT SHALL HAVE ENDORSED THEREIN THE PERIOD OF TIME FOR WHICH THE SAID PERMIT IS VALID.
- 10.4 A FIRE GUARDIAN MAY EXTEND THE PERIOD OF TIME THAT A FIRE PERMIT IS VALID, PROVIDED THE FIRE PERMIT HAS NOT EXPIRED.
- 10.5 A FIRE GUARDIAN MAY, IN HIS ABSOLUTE DISCRETION, SUSPEND OR CANCEL A FIRE PERMIT AT ANY TIME.
- 10.6 EACH APPLICATION FOR A FIRE PERMIT MUST CONTAIN THE FOLLOWING INFORMATION:
- A) THE NAME AND ADDRESS OF THE APPLICANT;
 - B) THE LEGAL DESCRIPTION OF THE LAND ON WHICH THE APPLICANT PROPOSES TO SET A FIRE;
 - C) THE TYPE AND DESCRIPTION OF MATERIAL WHICH THE APPLICANT PROPOSES TO BURN;
 - D) THE PERIOD OF TIME FOR WHICH THE FIRE PERMIT IS VALID;
 - E) THE PRECAUTIONS, IF ANY, THAT WILL BE TAKEN BY THE APPLICANT TO ENSURE THAT THE PROPOSED FIRE REMAINS UNDER HIS CONTROL;
 - F) THE SIGNATURE OF THE APPLICANT;
 - G) THE SIGNATURE OF THE FIRE GUARDIAN ISSUING THE FIRE PERMIT.

SECTION 11 – FIRE BAN

- 11.1 AT THE RECOMMENDATION OF THE FIRE CHIEF OR HIS DESIGNATE, COUNCIL MAY MAKE A RESOLUTION TO IMPOSE A FIRE BAN FOR THE MUNICIPALITY.
- 11.2 WHEN A FIRE BAN IS IN EFFECT, **NO FIRES WITHIN THE TOWN BOUNDARIES WILL BE ALLOWED.** THIS INCLUDES BOTH RECREATIONAL FIRES AS WELL AS ANY OUTDOOR FIRES. ANY FIRE PERMITS, THAT WERE PREVIOUSLY ISSUED, WOULD BE SUSPENDED DURING THE FIRE BAN.
- 11.3 THE FIRE BAN WILL REMAIN IN EFFECT UNTIL IT HAS BEEN CANCELLED BY A RESOLUTION FROM COUNCIL, ON THE RECOMMENDATION OF THE FIRE CHIEF OR HIS DESIGNATE.

SECTION 12 – RECOVERY OF COSTS

- 12.1 WHERE THE FIRE DEPARTMENT HAS TAKEN ANY ACTION WHATSOEVER FOR THE PURPOSE OF EXTINGUISHING A FIRE OR RESPONDING TO A FIRE CALL OR INCIDENT WITHIN OR OUTSIDE THE TOWN OR FOR THE PURPOSE OF PRESERVING LIFE OR PROPERTY FROM INJURY OR DESTRUCTION BY FIRE OR OTHER INCIDENT ON LAND WITHIN OR OUTSIDE THE TOWN, INCLUDING ANY SUCH ACTION TAKEN BY THE FIRE DEPARTMENT ON A FALSE ALARM, THE COUNCIL MAY, IN RESPECT OF ANY COSTS INCURRED BY THE FIRE DEPARTMENT IN TAKING SUCH ACTION CHARGE ANY COSTS SO INCURRED BY THE FIRE OR THE OWNERS OR OCCUPANT OF THE LAND IN RESPECT OF WHICH THE ACTION WAS TAKEN.

- 12.2 THE SCHEDULE OF FEES TO BE CHARGED FOR FIRE, RESCUE, FALSE ALARM RESPONSES AND ALARM MONITORING SERVICES SHALL BE AS SET OUT IN SCHEDULE “A” ATTACHED TO AND FORMING PART OF THIS BYLAW.

SECTION 13 – OFFENCES

- 13.1 NO PERSONS SHALL LIGHT AN OUTDOOR FIRE, STRUCTURE FIRE, UNLESS HE IS THE HOLDER OF A SUBSISTING FIRE PERMIT AS PROVIDED FOR HEREIN, UNLESS:
- A) THE FIRE HAS BEEN SET BY THE FIRE DEPARTMENT FOR THE PURPOSE OF TRAINING ITS MEMBERS OR FOR THE PREVENTION OF RUNNING GRASS FIRES IN AND AROUND THE TOWN OF INNISFAIL;
 - B) THE FIRE IS A RECREATIONAL FIRE AS PERMITTED PURSUANT TO THIS BYLAW.
- 13.2 NO PERSON SHALL PERMIT AN OUTDOOR FIRE, STRUCTURE FIRE TO BE LIT UPON LAND THAT IS OWNED OR OCCUPIED BY HIM OR UNDER HIS CONTROL EXCEPT WHEN SUCH FIRE IS PERMITTED PURSUANT TO THIS BYLAW.
- 13.3 WHEN A FIRE IS LIT UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION 12.2 WHEN SUCH FIRE IS NOT PERMITTED PURSUANT TO THIS BYLAW THE OWNER OR OCCUPIER OF THE LAND OR THE PERSON HAVING CONTROL OF THE LAND UPON WHICH SUCH FIRE IS LIT SHALL:
- A) EXTINGUISH THE FIRE IMMEDIATELY; OR
 - B) WHERE HE IS UNABLE TO EXTINGUISH THE FIRE IMMEDIATELY, REPORT THE FIRE TO THE FIRE DEPARTMENT.
- 13.4 NO PERSON SHALL, EITHER DIRECTLY OR INDIRECTLY PERSONALLY OR THROUGH AN AGENT, SERVANT OR EMPLOYEE KINDLE A FIRE AND LET IT BECOME A RUNNING FIRE ON ANY LAND NOT HIS OWN PROPERTY TO THE PROPERTY OF ANOTHER.
- 13.5 NO PERSON SHALL:
- A) LIGHT AN OUTDOOR FIRE, RECREATIONAL, FIRE OR STRUCTURE FIRE WITHOUT FIRST TAKING SUFFICIENT PRECAUTION TO ENSURE THAT THE FIRE CAN BE KEPT UNDER CONTROL AT ALL TIMES;
 - B) LIGHT AN OUTDOOR FIRE, RECREATION FIRE OR STRUCTURE FIRE WHEN THE WEATHER CONDITIONS ARE CONDUCIVE TO CREATING A RUNNING FIRE;
 - C) FAIL TO TAKE REASONABLE STEPS TO CONTROL A FIRE FOR THE PURPOSE OF PREVENTING IT FROM BECOMING A RUNNING FIRE OR FROM SPREADING ONTO LAND OTHER THAN HIS OWN;
 - D) DEPOSIT, DISCARD OR LEAVE ANY BURNING MATTER OR SUBSTANCE WHERE IT MIGHT IGNITE OTHER MATERIAL AND CAUSE A FIRE;

- E) CONDUCT ANY ACTIVITY THAT INVOLVES THE USE OF FIRE THAT MIGHT REASONABLY BE EXPECTED TO CAUSE A FIRE, UNLESS HE EXERCISES REASONABLE CARE TO PREVENT THE FIRE FROM OCCURRING;
- F) KNOWINGLY MAKE A FALSE STATEMENT IN A FIRE PERMIT APPLICATION;
- G) INTERFERE WITH THE EFFORTS OF PERSONS AUTHORIZED IN THIS BYLAW TO EXTINGUISH FIRES OR PRESERVE LIFE OR PROPERTY;
- H) INTERFERE WITH THE OPERATION OF A FIRE DEPARTMENT EQUIPMENT OR APPARATUS REQUIRED TO EXTINGUISH FIRES OR PRESERVE LIFE OR PROPERTY;
- I) DAMAGE OR DESTROY FIRE DEPARTMENT PROPERTY;
- J) FALSELY REPRESENT HIMSELF AS A FIRE DEPARTMENT MEMBER OR WEAR OR DISPLAY ANY FIRE DEPARTMENT BADGE, CAP, BUTTON, INSIGNIA OR OTHER PARAPHERNALIA FOR THE PURPOSE OF SUCH FALSE REPRESENTATION;
- K) CONTINUE TO KINDLE A FIRE WHICH CAUSES INCONVENIENCE, SMOKE, OR DISTRESS TO A NEIGHBORING PROPERTY.

13.6 NO PERSON SHALL USE A FIRE PERMIT UNDER THIS BYLAW TO BURN:

- i) Manure;
- ii) Livestock or other animal carcasses;
- iii) Material that will result in the production of dense black smoke including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials or creosote wood;
- iv) Herbicides, pesticides or any other toxic material or substance;
- v) Any other material harmful to the environment.

SECTION 14 – PENALTIES

14.1 A PERSON WHO CONTRAVENES OR FAILS TO COMPLY WITH ANY CONDITION IN A PERMIT OR WITH ANY ORDER OR REQUEST DIRECTED TO HIM PURSUANT TO THIS BYLAW IS GUILTY OF AN OFFENCE AND LIABLE:

- A) IF THE OFFENCE IS A CONTRAVENTION OF SECTION 13.5 (F) OF THIS BYLAW, TO A FINE OF NOT LESS THAN \$50.00 AND NOT MORE THAN MORE THAN \$250.00 AND IN DEFAULT OF PAYMENT TO IMPRISONMENT FOR A TERM OF NOT MORE THAN 14 DAYS OR TO BOTH FINE AND IMPRISONMENT;
- B) IF THE OFFENCE IS A CONTRAVENTION OF ANY OTHER SECTION OF THIS BYLAW, TO A FINE OF NOT LESS THAN \$50.00 AND NOT MORE THAN \$1,000.00 AND IN DEFAULT OF PAYMENT TO IMPRISONMENT FOR A TERM OF NOT MORE THAN 1 YEAR.

14.2 A TOWN CONSTABLE MAY ISSUE A VIOLATION TICKET TO ANY PERSON WHO CONTRAVENES ANY PROVISION OF THIS BYLAW.

14.3 THE VIOLATION TICKET SHALL BE IN THE FORM PRESCRIBED BY PROVINCIAL OFFENCES PROCEDURES ACT AS SET OUT IN THE PROCEDURES REGULATION #233/89.

14.4 WHERE A VIOLATION TICKET IS ISSUED PURSUANT TO THIS BYLAW, THE PERSON TO WHOM THE VIOLATION TICKET IS ISSUED MAY, IN LIEU OF BEING PROSECUTED FOR THE OFFENCE, PAY TO THE PROVINCIAL TREASURER THE SUM SPECIFIED ON THE VIOLATION TICKET.

SECTION 15 – SEVERABILITY

15.1 SHOULD ANY SECTION OR PART OF THIS BYLAW BE FOUND TO HAVE BEEN IMPROPERLY ENACTED, FOR ANY REASON, THEN SUCH SECTION OR PART SHALL BE REGARDED AS BEING SEVERABLE FROM THE REST OF THE BYLAW AND THE BYLAW REMAINING AFTER SUCH SEVERANCE SHALL BE EFFECTIVE AND ENFORCEABLE AS IF THE SECTION FOUND TO BE IMPROPERLY ENACTED HAD NOT BEEN ENACTED AS PART OF THIS BYLAW.

SECTION 16 – RESCIND

16.1 THIS BYLAW SHALL RESCIND BYLAW 1145 AND 1336.

READ A FIRST TIME IN OPEN COUNCIL THIS 14TH DAY OF MAY, 2001.

READ A SECOND TIME IN OPEN COUNCIL THIS 14TH DAY OF MAY, 2001.

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 14TH DAY OF MAY, 2001.

Original Document Signed

BYLAW NUMBER 1400

SCHEDULE "A"

1. EMERGENCY RESPONSE FEES

1.1 FIRE, RESCUE AND DANGEROUS GOODS RESPONSES ON ANY PROPERTY OTHER THAN PROVINCIAL HIGHWAYS.

- \$300.00 PER HOUR, PER UNIT OR ANY PORTION THEREOF.
- COST FOR REPLACEMENT OF EQUIPMENT AND/OR MATERIALS USED, LOST, OR DAMAGED AS A RESULT OF THE RESPONSE.

1.2 FIRE, DANGEROUS GOODS, AND RESCUE RESPONSES ON PROVINCIAL HIGHWAYS.

- \$300.00 PER HOUR, PER UNIT OR ANY PORTION THEREOF;
- COST FOR REPLACEMENT OF EQUIPMENT AND/OR MATERIALS USED, LOST, OR DAMAGED AS RESULT OF THE RESPONSE.

1.3 EMERGENCY RESPONSES TO OTHER MUNICIPALITIES:

- \$0 PER HOUR, PER UNIT OR ANY PORTION THEREOF.
MUTUAL AID.
- COST FOR REPLACEMENT OF EQUIPMENT AND/OR MATERIALS USED, LOST OR DAMAGED AS A RESULT OF THE RESPONSE.

1.4 FALSE ALARM RESPONSES:

- \$50.00 PER INCIDENT AT THE DISCRETION OF THE FIRE OFFICER.

1.5 FIRE PERMIT

- \$0 PER PERMIT

BYLAW NUMBER 1400

SCHEDULE "B"

SECTION	INFRACTION	1 ST OFFENCE	2 ND OFFENCE
13.1	LIGHT FIRE WITHOUT FIRE PERMIT	\$300	\$1000
13.2	PERMIT LIGHTING FIRE WITHOUT PERMIT	\$300	\$1000
13.3 (A)	FAIL TO EXTINGUISH FIRE WITHOUT PERMIT	\$500	\$1000
13.3 (B)	FAIL TO REPORT TO FIRE DEPARTMENT UNABLE TO EXTINGUISH FIRE	\$500	\$1000
13.4	PERMIT RUNNING FIRE ONTO PROPERTY OF ANOTHER PERSON	\$100	\$500
13.5 (A)	INSUFFICIENT PRECAUTION TO KEEP FIRE UNDER CONTROL	\$500	\$1000
13.5 (B)	HAVE FIRE WHEN WEATHER CONDUCTIVE TO CREATE RUNNING FIRE	\$500	\$1000
13.5 (C)	FAIL TO TAKE STEPS TO PREVENT RUNNING FIRE ONTO ANOTHER PERSON'S PROPERTY	\$100	\$500
13.5 (D)	DEPOSIT, DISCARD, LEAVE BURNING MATTER THAT MAY CAUSE IGNITION OF FIRE	\$100	\$250
13.5 (E)	CONDUCT ACTIVITY THAT MIGHT CAUSE FIRE	\$500	\$750
13.5 (F)	MAKE FALSE STATEMENT IN FIRE PERMIT APPLICATION	\$100	\$250
13.5 (G)	INTERFERE WITH PERSONS EXTINGUISHING FIRES, PRESERVING LIFE OR PROPERTY	\$750	\$1000
13.5 (H)	INTERFERE WITH FIRE DEPT. EQUIPMENT	\$750	\$1000
13.5 (I)	DAMAGE, DESTROY FIRE DEPT. EQUIPMENT	\$750	\$1000
13.5 (J)	FALSELY REPRESENT HIMSELF AS A MEMBER OF FIRE DEPT. BY ANY MEANS.	\$750	\$1000
13.5 (K)	CONTINUE TO KINDLE FIRE CAUSING INCONVENIENCE, SMOKE OR DISTRESS TO A NEIGHBORING PROPERTY.	\$500	\$750
13.6	BURN RESTRICTED MATERIALS CONTRARY TO PERMIT.	\$750	\$1000

**BYLAW NUMBER 1431
OF THE TOWN OF INNISFAIL**

BYLAW NUMBER 1431 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO AMEND BYLAW NUMBER 1400 THE FIRE BYLAW, SECTIONS 12.2, 14.2 AND 14.4.

WHEREAS, PURSUANT TO THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA, 2000 AND AMENDMENTS THERETO, COUNCIL DEEMS IT NECESSARY TO IMPLEMENT A DEFAULT IN PAYMENT FOR SERVICES RENDERED BY THE FIRE DEPARTMENT.

AND WHEREAS, COUNCIL DEEMS IT NECESSARY TO INCREASE THE DELEGATION OF ENFORCEMENT PERSONNEL.

AND WHEREAS, COUNCIL DEEMS IT NECESSARY TO IMPLEMENT A VOLUNTARY PENALTY PAYMENT SCHEDULE.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED AMENDS BYLAW 1400, BY ADDING ONTO SECTION 12.1 THE FOLLOWING:

“IN DEFAULT OF PAYMENT BY AN INNISFAIL RESIDENT, THE COST AGAINST THE LAND AS TAXES, AND RECOVER THE COST AS SUCH.”

AND AMENDING SECTION 14.2 AS FOLLOWS:

“A PEACE OFFICER, FIRE GUARDIAN, AND SENIOR FIRE FIGHTER OFFICER, MAY ISSUE A VIOLATION TICKET TO ANY PERSON WHO CONTRAVENES ANY PROVISION OF THIS BYLAW.”

AND BY ADDING ONTO SECTION 14.4 THE FOLLOWING:

“MONETARY PAYMENT PENALTIES FOR VOLUNTARY PAYMENT OF OFFENCES OF THIS BYLAW ARE OUTLINED AND DETAILED IN SCHEDULE “B” OF THIS BYLAW.”

BYLAW NUMBER 1400 IS HEREBY SO AMENDED.

READ A FIRST TIME IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER, 2004.

READ A SECOND TIME IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER, 2004.

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 13TH DAY OF DECEMBER, 2004.

Original Document Signed

**BYLAW # 1446
TOWN OF INNISFAIL**

**BYLAW #1446 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA,
BEING A BYLAW TO AMEND THE FIRE DEPARTMENT BYLAW #1400.**

**WHEREAS, IT IS DEEMED NECESSARY AND EXPEDIENT TO AMEND THE FIRE
DEPARTMENT BYLAW #1400;**

**NOW THEREFORE, THE COUNCIL OF THE TOWN OF INNISFAIL, IN THE PROVINCE
OF ALBERTA, DULY ASSEMBLED AND UNDER THE POWERS CONFERRED UPON IT
BY THE MUNICIPAL GOVERNMENT ACT, RSA 2000, CHAPTER M-26 AND
AMENDMENTS THERETO, ENACTS AS FOLLOWS:**

**THAT BYLAW #1400 THE FIRE DEPARTMENT BYLAW BE AMENDED BY THE
ADDITION OF SECTION 10.7 – FIREWORKS - AS FOLLOWS:**

10.7 NO PERSON SHALL PURCHASE, POSSESS, HANDLE, DISCHARGE, FIRE, SELL
OR SET OFF FIREWORKS WITHIN THE TOWN OF INNISFAIL UNLESS HE
HOLDS A PERMIT SIGNED BY A FIRE GUARDIAN. PERMITS WILL ONLY BE
ISSUED FOR THE DISCHARGE OF PROFESSIONAL FIREWORKS AND
DISCHARGED BY PROFESSIONAL PYROTECHNICIANS AS ACCREDITED BY
NATURAL RESOURCES CANADA IN ACCORDANCE AND PURSUANT TO THE
ALBERTA FIRE CODE.

READ A FIRST TIME IN OPEN COUNCIL THIS 12TH DAY OF JUNE 2006

READ A SECOND TIME IN OPEN COUNCIL THIS _____ DAY OF _____ 2006

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS _____ DAY
OF _____ 2006.

MAYOR

CHIEF ADMINISTRATIVE OFFICER