



**CURRENTLY
ENFORCED**

Bylaw: 12-2023

Emergency Services Bylaw

BEING A BYLAW OF THORHILD COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AND OPERATE AN EMERGENCY SERVICES DEPARTMENT, AND AUTHORIZE RECOVERY OF RELATED FEES, EXPENSES, AND CHARGES.

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

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

AND WHEREAS, the *Forest and Prairie Protection Act* provides that a council of a municipal district is responsible for fighting and controlling all fires within the boundaries of the municipal district, other than areas contained in a forest protection area;

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

AND WHEREAS, the Council of Thorhild County wishes to provide for the prevention and control of fires within the boundaries of the County;

NOW THEREFORE, the Council of Thorhild County, in the Province of Alberta, duly assembled, enacts as follows:

PART I – INTERPRETATION AND DEFINITIONS

Bylaw Title

- 1 This Bylaw may be cited as the “Emergency Services Bylaw”.

Definitions

- 2 In this Bylaw:

- (a) “Apparatus” means any vehicle provided with machinery, devices, equipment or materials for the purpose of and operated by the Emergency Services Department whether that vehicle operates on land, in the air, or on the water.

- (b) "Burn Barrel Fire" means a fire confined to an outdoor receptacle for the purpose of burning household refuse not including Prohibited Debris.
- (c) "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.
- (d) "Chief Administrative Officer" means the Chief Administrative Officer of the County, or their designate.
- (e) "Consumer Fireworks" means low-hazard firework articles designed for recreational use by the public.
- (f) "Council" means the council of the County.
- (g) "County" means Thorhild County.
- (h) "Country Residential Subdivision" shall include, but not limited to, the subdivisions of Northbrook, Pinebrook and Buffalo Lake Estates.
- (i) "Display Fireworks" means high-hazard firework articles designed for use by professionals holding a Fireworks Operator Certificate.
- (j) "Emergency" means a present or imminent event that requires prompt coordination of actions concerning persons or property to protect the health, safety or welfare of people, or to limit damage to property or the environment.
- (k) "Emergency Services" means any service delivered by the County as established in Section 3 of this Bylaw.
- (l) "Emergency Service Charges" means all rates, fees and charges payable for, or in connection with, the Emergency Services Department in providing Emergency Services within and outside the County's boundaries as prescribed in Schedule "A" of this Bylaw.
- (m) "Emergency Services Department" means the department as established by Council.
- (n) "Emergency Services Property" means all real and personal Property owned or controlled and designated for use by the Emergency Services Department including but not limited to Apparatus, Equipment and Fire Stations.
- (o) "Equipment" means any supplies, tools, contrivances, hydrants, devices or materials used by the Emergency Services Department to combat an Incident or other emergency.
- (p) "False Alarm" means a request for Emergency Services either by automated means or well-intentioned Person to a perceived Emergency that once the Emergency Services Department has arrived on site, it is determined that no Emergency Services are required.

- (q) "Fire Advisory" means a declaration issued pursuant to this Bylaw for the purpose of fire prevention when the fire hazard in the area is Moderate to High.
- (r) "Fire Ban" means a declaration issued pursuant to this Bylaw when the fire hazard in the area is Very High to Extreme.
- (s) "Fire Chief" means the person employed by the County to be the head of the Emergency Services Department or their designate.
- (t) "Fire Guardian" means an individual appointed as a Fire Guardian in accordance with the *Forest and Prairie Protection Act*.
- (u) "Fire Hazard" means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may ignite or be ignited and that, if it ignites or is ignited, could create a burning hazard.
- (v) "Fire Permit" means a permit issued pursuant to Section 15 of this Bylaw.
- (w) "Fire Pit" means an outdoor receptacle that is noncombustible and is used for the purposes of cooking, obtaining warmth or viewing for pleasure, fueled solely by dry wood, coal, charcoal, natural gas or propane.
- (x) "Fire Restriction" means a declaration issued pursuant to this Bylaw for the purpose of fire prevention when the fire hazard in the area is High to Very High.
- (y) "Fireworks" means the category of explosives 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.
- (z) "Fireworks Permit" means a permit, issued pursuant to Section 18 or 22(d) of this Bylaw.
- (aa) "Hamlet" means the Hamlets of Long Lake, Egremont, Radway, Thorhild, Newbrook, Abee, Opal.
- (bb) "Incident" means an occurrence, either human caused or by natural phenomena, that requires action by the Emergency Services Department to prevent or minimize loss of life or damage to property, environment and reduce economic and social losses.
- (cc) "Incident Command/Commander" means the Member on scene assuming Command until the incident is terminated, or Incident Command is transferred.
- (dd) "Member" means any Person who is an employee of the Emergency Services Department and includes the Fire Chief.
- (ee) "Occupant" means any Person that is in possession, control or occupation of Property.

- (ff) "Off-Highway Vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and, without limiting the foregoing, includes, when specifically designed for such travel:
- (i) 4-wheel drive vehicles;
 - (ii) Low pressure tire vehicles;
 - (iii) Motor cycles and related 2-wheel vehicles;
 - (iv) Amphibious machines;
 - (v) All-terrain vehicles;
 - (vi) Miniature motor vehicles;
 - (vii) Snow vehicles;
 - (viii) Minibikes; and
 - (ix) Any other means of transportation that is propelled by any power other than muscular power or wind, but does not include motorboats, or any other vehicle exempted from being an Off-Highway Vehicle by regulation.
- (gg) "Outdoor Fireplace" means an outdoor receptacle which is used for the purposes of cooking, obtaining warmth or viewing for pleasure, fueled solely by wood, pellets, coal, charcoal, natural gas or propane.
- (hh) "Owner" means
- (i) In respect of unpatented land, the crown;
 - (ii) In respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land;
 - (iii) In respect of any property other than land, the person in lawful possession of it; and
 - (iv) In respect of a motor vehicle, the person listed as the Registered owner.
- (ii) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the County's Bylaws or a Bylaw Enforcement Officer appointed by the County.
- (jj) "Person" includes any individual (County or non-County Person), firm, partnership or corporate body.
- (kk) "Prohibited Debris" means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances and includes but is not limited to:

- (i) animal manure;
 - (ii) pathological waste;
 - (iii) non-wooden material;
 - (iv) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
 - (v) combustible material in automobile bodies;
 - (vi) tires;
 - (vii) asphalt shingles;
 - (viii) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (ix) used oil; and
 - (x) wood or wood products containing substances for the purpose of preserving wood.
- (ll) "Property" means any real or personal property, which, without limiting the generality of the foregoing, includes land, equipment, products, vehicles and structures.
- (mm) "Smudge Fire" means a fire confined to a non-combustible structure or container which is lit for the purpose of protecting livestock from insects or for protecting garden plants from frost and is fueled solely by dry wood or charcoal.
- (nn) "Violation Ticket" has the same meaning given to it in the *Provincial Offences Procedure Act* or the *Provincial Administrative Procedures Act*.
- (oo) "Windrows" are commonly wooded debris from land clearing, in a row or line.

PART II – EMERGENCY SERVICES

Establishment and Purpose of Emergency Services

- 3 Council hereby establishes Emergency Services in the County for the purpose of:
- (a) fire prevention and protection;
 - (b) emergency responses;
 - (c) medical assists;
 - (d) educational and training programs;
 - (e) technical rescue;

- (f) urban search and rescue;
- (g) mutual aid responses;
- (h) citizen assists; and
- (i) assistance in response to other classes of circumstances that may cause harm to persons or damage to property.

in accordance with all applicable Regulations, Bylaws, Policies and Standard Operating Guidelines established by the County and all applicable legislation.

4 Administration

- (a) The Fire Chief is the person employed by the County to be the head of the Emergency Services Department.
- (b) Members shall abide by all applicable Regulations, Bylaws, Policies and Standard Operating Guidelines.

Authority and Responsibility of the Fire Chief

5

- (a) The Fire Chief shall be responsible to the Chief Administrative Officer for the performance of their duties pursuant to this Bylaw and all applicable County policies.
- (b) The Fire Chief has responsibility and authority over the Emergency Services Department subject to all applicable County Bylaws and Policies.
- (c) The Fire Chief shall establish standard operating guidelines and procedures regarding the organization, and administration of the Emergency Services Department, including but not limited to:
 - (i) use, care, maintenance and protection of Emergency Services Property;
 - (ii) the appointment, recruitment, conduct, discipline, duties, training and responsibilities of Members;
 - (iii) the efficient operation of the Emergency Services Department; andmay perform such other functions and have such other powers and responsibilities as the Chief Administrative Officer may from time to time prescribe.
- (d) The Fire Chief may obtain assistance from other County employees as they deem necessary in order to discharge their duties and responsibilities under this Bylaw.

Authority and Responsibility of Incident Commander

- 6** The Incident Commander at an Incident shall have control, direction and management of all Apparatus, Equipment and Member(s) assigned to that Emergency/Incident.

- 7 The Incident Commander shall take action as deemed necessary for preserving life and Property and protecting persons and property from injury or destruction by fire or other emergency and is authorized to:
- (a) direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
 - (b) cause a building, structure, or thing to be pulled down, demolished or otherwise removed if they deem it necessary to prevent the spread of fire;
 - (c) enter, pass through or over buildings, or property adjacent to an incident and to cause Members, the apparatus and equipment of the Emergency Services Department to enter, or pass through, or over the building, or property, where they deem it necessary to gain access to the Emergency/Incident or to protect any persons or property;
 - (d) prevent interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof;
 - (e) may, in the course of extinguishing or controlling a fire, prohibit the approach of any person, animal, vehicle, machine, aircraft or things as seen at the fire or any area in the vicinity of the fire;
 - (f) may remove or cause to be removed from the Incident scene any person, animal, vehicle, machine or thing for the purpose of Incident mitigation or the preserving of life or property;
 - (g) secure or commandeer the possessions or use of any equipment for the purpose of fighting a fire; and
 - (h) request Peace Officers to enforce restrictions on persons entering within the vicinity of any fire.

Appointment and Powers of Fire Guardians

- 8 Council delegates its authority to appoint Fire Guardians under the *Forest and Prairie Protection Act* to the Fire Chief in accordance with section 203 of the *Municipal Government Act*.
- 9 Fire Guardians shall have the authority and power to:
- (a) exercise all powers prescribed for Fire Guardians under the *Forest and Prairie Protection Act*;
 - (b) enforce the provisions of the *Forest and Prairie Protection Act* and this Bylaw within the boundaries of Thorhild County;
 - (c) issue Fire Permits in accordance with this Bylaw;
 - (d) issue a Fire Permit unconditionally or to impose any conditions on the Permit that the Fire Guardian considers appropriate, in their sole discretion, given the nature of the fire and prevailing circumstances, location and environmental conditions;

- (e) refuse to issue a Fire Permit where, in the opinion of the Fire Guardian, there is a risk to the public in relation to the proposed fire;
- (f) suspend or cancel a Fire Permit at any time; and
- (g) enter on any property or premises, except a private dwelling house, without a warrant for the purpose of discharging their duties under this Bylaw or the *Forest and Prairie Protection Act*.

PART III – FIRES AND FIRE PERMITS

- 10** Notwithstanding Section 14, no Person shall light or cause to be lit, or otherwise allow any outdoor fire upon land owned or occupied by them or otherwise under their control, unless the Person holds a valid Fire Permit issued pursuant to this Bylaw.
- 11** No Person shall light or cause to be lit, or otherwise allow a Burn Barrel Fire or Smudge Fire upon land owned or occupied by them or otherwise under their control, within any Hamlet or any Country Residential Subdivision.
- 12** Any Person who builds, ignites, or lights a fire within the County must ensure that the fire is not left unsupervised at any time.
- 13** No Person shall burn or cause to be burned any Prohibited Debris.
- 14** Fire Permits are not required under this Bylaw for the following activities:
 - (a) Cooking of food using a portable appliance designed to use electricity, wood chips, charcoal, pellets, natural gas or propane;
 - (b) Fire Pits or Outdoor Fireplaces, provided that:
 - (i) 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;
 - (ii) The fire is kept under control and supervised at all times until the fire has been completely extinguished;
 - (iii) Flame height does not exceed 750 millimeters (2.5 feet) above the structure or container;
 - (iv) For Fire Pits:
 - (i) Ensure a minimum of 3 meters (10 feet) clearance, measured from the nearest fire pit edge, is maintained from building, property lines, or other combustible material;
 - (ii) The maximum height of the fire pit installation from the ground to the highest point of the fire pit is less than 600 millimeters (2 feet);

- (iii) The fire pit opening does not exceed 1 meter (3.3 feet) in width or diameter when measured between the widest points;
- (iv) The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal or other non-combustible materials; and
- (v) The fire pit is not located over any underground utilities or under any above ground wires.

(v) For Outdoor Fireplaces:

- (i) A Minimum of 1 meter (3.3 feet) clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
- (ii) The fireplace is constructed of materials such as brick or rocks that are heat and flame resistant;
- (iii) The fireplace is equipped with a chimney that is not less than 2.5 meters (8.2 feet) in height when measured from the base of the fire 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 no less than 0.3 meters (1 foot) above the surrounding grade;
- (vi) The fire chamber does not exceed 1.25 meters (4 feet) in width, and is at least 0.4 meters (1.3 feet) but not more than 0.6 meters (2 feet) in depth; and
- (vii) Is otherwise acceptable to the Fire Chief.

(c) Burn Barrel used for residential refuse burning provided that:

- (i) a non-combustible structure or container has draft holes not larger than 6.5 millimeters (0.25 inch) in diameter;
- (ii) is equipped with a heavy gauge metal screen to contain sparks over the fire at all times, with a mesh size not greater than 13 millimeters (0.5 inch) secured in place;
- (iii) which is lit for the purpose of burning household refuse, not including prohibited debris;
- (iv) ensure a minimum of 5 meters (16 feet) clearance, measured from the nearest burn barrel edge, is maintained from building, property lines, or other combustible material; and
- (v) is not located over underground utility services or below aboveground wires.

- (d) An outdoor fire lit by the Emergency Services Department for training or preventive control purposes;
- (e) A fire confined to an incinerator regulated under the *Environmental Protection and Enhancement Act*.

Fire Permits

15

- a) Fire Permits are required throughout the entire year.
- b) A Fire Permit is not transferrable.
- c) An application for a Fire Permit shall be made using the approved method as prescribed by the County and each Fire Permit application must contain the following information:
 - (i) The name, address, and phone number of the applicant and the name, address, and phone number of the Owner of the property on which the applicant proposes to set a fire;
 - (ii) The legal land description of the property on which the applicant proposes to set a fire;
 - (iii) The precautions that will be taken by the applicant to ensure that the proposed fire remains under control;
 - (iv) Consent of the proposed fire by the Owner of the property if different than the applicant.
- d) A Fire Permit shall only be valid for the time period expressly indicated on the Fire Permit.
- e) The Fire Chief, a Fire Guardian, or a Peace Officer may, in their sole discretion suspend, or cancel a Fire Permit at any time.
- f) Upon receiving notification of suspension or cancellation of the Fire Permit, the Fire Permit holder shall immediately extinguish any fire set pursuant to the Fire Permit. Notification may be made by telephone, in writing, or in person.
- g) Every person who sets a fire under authority of a Fire Permit shall:
 - (i) comply with any terms or conditions of the Fire Permit;
 - (ii) keep the permit at the site of the Fire;
 - (iii) produce and show the Permit to a Fire Guardian, a Member or a Peace Officer upon request;
 - (iv) keep the fire under control at all times;

- (v) shall have at the site of the fire
 - (i) sufficient firefighting equipment, and
 - (ii) a sufficient number of persons to control the fire;
- (vi) extinguish the fire before expiration of the Permit.
- h) Prior to issuance of a Fire Permit for brush piles/windrows the applicant must adhere to the following;
 - (i) windrows must not exceed 60 meters (196 feet) in length and be separated by a minimum 8 meters (26 feet) break between each windrow;
 - (ii) windrows and brush piles must be at least 25 meters (82 feet) from any uncleared land, structures, fences, roads or vegetation;
 - (iii) parallel windrows must be separated from other parallel windows by not less than 15 meters (50 feet);
 - (iv) a fireguard 15 meters (50 feet) wide and cleared down to the mineral soil must completely surround the area;
 - (v) windows and brush piles cannot be more than 6 meters (20 feet) wide;
 - (vi) maximum of 5 windrows or brush piles to be burned at once; and
 - (vii) if within 0.8 km (½ mile) of a primary or secondary highway, the permit holder must have clearly visible smoke signage on the highway.
- i) Prior to issuance of a Fire Permit for unwanted or dilapidated buildings, applicant must adhere to the following;
 - (i) the Thorhild County Land Use Bylaw with respect to demolition permits;
 - (ii) all Prohibited Debris must be removed; and
 - (iii) building must be demolished to the ground.

PART V – FIREWORKS

- 16** The sale, purchase, possession, handling and discharge of Fireworks shall at all times be carried out in compliance with the *Explosives Act* and the *National Fire Code – Alberta Edition*.
- 17** An annual application for a Fireworks Permit for the sale of Consumer Fireworks shall be made using the approved method as prescribed by the County.
- 18** The issuance of a Fireworks Permit shall be at the sole discretion of the Fire Chief or a Fire Guardian.

- 19 A Fireworks Permit may include any further terms and conditions that the Fire Chief or Fire Guardian deems necessary for the safe sale or use of the Fireworks.
- 20 Any Person requiring a Fireworks Permit shall keep the Fireworks Permit available for immediate production to a Fire Guardian, the Fire Chief, a Member, or a Peace Officer upon demand.
- 21 Any Fireworks Permit may be suspended or canceled pursuant to this Bylaw:
- (a) for reasons of non-compliance with the *National Fire Code – Alberta Edition*, the *Explosives Act*, this Bylaw or the terms and conditions of the Fireworks Permit;
 - (b) due to changes in environmental conditions; or
 - (c) for any reason related to safety to life, limb or Property.

Consumer Fireworks

22

- (a) No Person shall sell Consumer Fireworks within the County unless they hold a valid Fireworks Permit.
- (b) Subject to subsection (c) and (d), any Person may purchase, possess, handle, or discharge Consumer Fireworks within the County without a Fireworks Permit.
- (c) No Person shall discharge Consumer Fireworks within any Hamlet, Country Residential Subdivision, on County Environmental Reserve properties, Municipal Reserve properties or County Parks.
- (d) A Fireworks Permit may be issued to an authorized community organization for the discharge of Consumer Fireworks within a Hamlet as part of a community event and shall be made using the approved method as prescribed by the County.
- (e) Persons must be the legal landowner of the discharge site or have the landowner's written permission to discharge Consumer Fireworks.
- (f) Neighboring landowners whose properties or livestock may be affected by fireworks discharge must be notified.
- (g) Consumer Fireworks may not be discharged within 10 meters (33 feet) of any building, shelter or motor vehicle, 200 meters (656 feet) of any place where explosives or flammable liquids are stored, or over any road or road right of way.
- (h) The Person discharging Consumer Fireworks shall be responsible for any verified property damage or injury to any member of the public or any livestock directly caused by the discharge of Consumer Fireworks.

Display Fireworks

- 23 The sale or storage of Display Fireworks is prohibited in Thorhild County.

- 24 No person other than an individual who has a valid display supervisor or pyrotechnical card issued pursuant to the *Explosives Act* (Canada) and hold a valid Fireworks Permit shall possess, handle, or discharge Display Fireworks in the County with written approval of the Fire Chief.

Firecrackers

- 25 No Person shall have in their possession, sell, offer for sale, give away or otherwise distribute, or discharge firecrackers within the County.

PART VII – FIRE ADVISORY, FIRE RESTRICTION AND FIRE BAN

26

- (a) The Fire Chief may, from time to time, restrict the use of fires in the County through the declaration of a Fire Advisory, Fire Restriction, or Fire Ban when, in the opinion the Fire Chief, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- (b) A Fire Advisory, Fire Restriction, or Fire Ban imposed pursuant to this Bylaw shall remain in force until either the date provided in the declaration of the Fire Advisory, Fire Restriction, or Fire Ban or until such time as the Fire Chief provides notice to the public that the Fire Advisory, Fire Restriction, or Fire Ban is no longer in effect.
- (c) The Fire Chief may add provisions to a Fire Advisory, Fire Restriction, or Fire Ban restricting the use of Off Highway Vehicles in the County, on Public Lands.
- (d) Allowed activities during a Fire Advisory, Fire Restriction, or Fire Ban shall be limited to the approved activities list in Schedule "C".

PART VIII – RECOVERY OF COSTS

Emergency Services Charges

27

- (a) Where the Emergency Services Department has taken any action for a response to a fire related Emergency or Incident, within Thorhild County boundaries, the Owner, Occupant, or Person shall not be invoiced Emergency Services Charges as per Schedule "A".
- (b) Where the Emergency Services Department has taken any other action other than a fire related response, within Thorhild County boundaries, Emergency Services Charges shall apply as per Schedule "A" to the Owner, Occupant, or Person
- (c) All Persons charged are jointly and severally liable for payment of the Emergency Services Charges to the County.

Collections of Amount Owning

28

- (a) Emergency Services Charges shall be paid within thirty (30) days of receipt of an invoice.
- (b) Collection of unpaid Emergency Services Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the County is entitled to on the parcel of land in respect of which the indebtedness incurred.
- (c) The County may forward all unpaid Emergency Services Charges to Small Debts Court (Civil Action), Collections Agency or Writ of Enforcement.

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

Services Fees and Charges

30 In addition to Emergency Services Charges, the County may establish and levy fees.

Appeals

31 As set out by Thorhild County Policy.

PART IX – ENFORCEMENT

Inspection and Enforcement

32

- (a) Where a parcel of land does not comply with this Bylaw or a Person contravenes this Bylaw, 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 the tax roll of the Owner of the parcel, and pursuing injunctions pursuant to the *Municipal Government Act*.
- (b) The Fire Chief is authorized to carry out inspections of land and structures, issue orders, remedy conditions and contraventions, and enforce this Bylaw in accordance with the *Municipal Government Act*.

Vicarious Liability

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

Corporations and Partnerships

33

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

Offence

34 A Person who contravenes or fails to comply with any provisions of this Bylaw is guilty of an offence and is liable to a fine in an amount specified in Schedule "B".

35 Further, No Person shall:

- (a) contravene any terms or conditions of a Fire Permit or a Fireworks Permit;
- (b) impede, obstruct or hinder a Member, or any other Person assisting or acting under the direction of a Member, from carrying out any function or activity related to the provision of Emergency Services;
- (c) damage or destroy Emergency Services Property;
- (d) falsely represent themselves as a Member;
- (e) obstruct or otherwise interfere with access by the Emergency Services Department, Emergency Services Property, or a Peace Officer to;
 - (i) the scene of an Incident;
 - (ii) a fire hydrant, cistern or other body of water designated for firefighting purposes; or
 - (iii) connections to fire mains, stand pipes, or sprinkler systems;
- (f) tamper with or alter any part of the County's water distribution system;

- (g) cross any boundaries or limits established by the Emergency Services Department in accordance with this Bylaw, without express authorization;
- (h) allow a condition to exist that the person knows or ought to reasonably know would cause an undue fire or explosive hazard;
- (i) deposit, discard or abandon any burning matter or substance so as to create a Fire Hazard;
- (j) ignite or cause to be lit any unauthorized fire when a Fire Advisory, Fire Restriction, or Fire Ban is in place;
- (k) unless authorized to do so, discharge, fire or set off Fireworks when a Fire Restriction, or Fire Ban is in place;
- (l) light a fire or allow a fire to be lit unless they are a holder of a valid Fire Permit if required under this Bylaw or the *Forest and Prairie Protection Act* or both;
- (m) provide false, incomplete or misleading information to the Fire Chief, a Fire Guardian, or a Peace Officer with respect to a fire, a Fire Permit application, or a Fireworks Permit application;
- (n) light a fire on any land not their own without the written consent of the Owner of the land;
- (o) permit a fire lit by that Person to pass from their own land to the land of another Person;
- (p) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- (q) conduct any activity that involves the use of a fire, where smoke produced by the fire may impede visibility of vehicular and pedestrian traffic on any road or highway;
- (r) light a fire on lands owned or controlled by the County except with the County's express written consent; or
- (s) use a fire to burn Prohibited Debris.

Violation Ticket

36

- (a) A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* or *Provincial Administrative Penalties Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (b) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - (i) state the specified penalty for the offence as set out in Schedule "B" herein; or

- (ii) require a Person to appear in Alberta Court of Justice without the alternative of making a voluntary payment.

Specified Penalties

- 37 The fine amounts established for use on Violation Tickets if a voluntary payment option is offered are as set out in Schedule "B".
- 38 Any Person who commits a second or subsequent offence under this Bylaw within one year of conviction for a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out for the offence in Schedule "B" to this Bylaw.

Voluntary Payment

39

- (a) A Person who commits an offence may:
 - (i) if a Violation Ticket is issued in respect of the offence; and
 - (ii) if the Violation Ticket states the specified penalty established by this Bylaw for the offence, as set out in Schedule "B" herein;

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

- (b) When a Clerk of the Alberta Court of Justice records the receipt of a voluntary payment pursuant to subsection (a) above and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART X – GENERAL

Severability

- 40 All Sections of this bylaw are separate and severable. Should any section or part of this bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

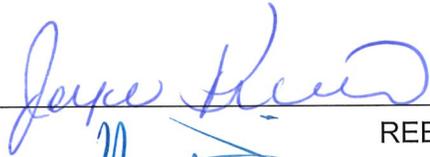
Repeal

- 41 Bylaw 10-2022 Emergency Services Bylaw is hereby repealed.

Effective Date

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

FIRST READING THIS 22nd DAY OF AUGUST 2023



REEVE


CHIEF ADMINISTRATIVE OFFICER

SECOND READING THIS 12th DAY OF SEPTEMBER 2023



REEVE


CHIEF ADMINISTRATIVE OFFICER

THIRD AND FINAL READING THIS 12TH DAY SEPTEMBER 2023



REEVE


CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

**EMERGENCY SERVICES CHARGES
(Subject to GST)**

1. Where the Emergency Services Department has taken any action in responding to an Emergency or Incident, the charge shall be:
 - (a) For the first hour of response
 - (i) \$585.00 flat rate irrelevant of number of apparatus responding.
 - (b) For the second and all subsequent hours of response
 - (i) \$400.00 per apparatus per hour;
 - (ii) \$185.00 per command unit per hour.
 - (c) Any other costs incurred by the County as a result of the Emergency or Incident, including but not limited to contracted services, mutual aid, and specialized equipment.
2. Charges will be based on a one hour minimum and then prorated every quarter hour thereafter.
3. When the Emergency or Incident takes place on a Provincial Highway, then the Alberta Transportation Rates will apply.
4. Where the Emergency Services Department has taken any action responding to an Emergency or Incident resulting from a medical assistance request within the boundaries of the County, no Emergency Services Charges will apply.
5. When the Emergency Services Department has responded to a gas leak or gas odor within the boundaries of Thorhild County and it has not required any further action by Emergency Services, no Emergency Services Charges will apply.
6. Where the Emergency Services Department has taken any action responding to a False Alarm to the same location within the same calendar year, the following charges shall apply:
 - b) For the first False Alarm response, no charge applicable.
 - b) \$185.00 for the second and for each subsequent False Alarm response.
7. When the Emergency Services Department supplies Members at a scene while waiting on an inspector/investigator, the flat hourly rate will be charged at \$200 per hour.
8. Emergency Services provided for mutual aid shall be invoiced in accordance with agreements in place with each mutual aid partner.

**Schedule "B"
Specified Penalties**

Section and offence	First Offence	Second Offence
11 - Burning Barrel Fire or Smudge Fire in hamlet or subdivision	\$1000	\$2000
22(a) – Sell Consumer Fireworks without a Fireworks Permit	\$2000	\$4000
22(c) – Discharge, fire or set off Fireworks within any Hamlet, County Residential Subdivision, County and Municipal Reserve Properties or County Parks	\$3000	\$6000
35(a) – Contravene any terms or conditions of a Fire Permit or Fireworks Permit	\$500	\$1000
35(b) - Impede, Obstruct or Hinder a Member, or any other Person assisting or acting under the direction of a Member	\$2000	\$4000
35(c) - Damage or destroy Emergency Services Property	\$3000	\$6000
35(d) - Falsely represent themselves as a Member	\$500	\$1000
35(e) - Obstruct or Interfere with access of the Emergency Services Department, Emergency Services Property, or a Peace Officer	\$3000	\$6000
35(f) – Tamper with or alter any part of the county’s water system	\$3000	\$6000
35(g) - Cross any boundaries or limits established by the Emergency Services Department	\$500	\$1000
35(h) – Allow condition to exist causing undue fire or explosive hazard	\$1000	\$2000
35(i) - Deposit, discard or abandon any burning matter or substance so as to create a Fire Hazard	\$1000	\$2000

35(j) - Ignite or cause to be lit any unauthorized fire when a Fire Advisory, Fire Restriction or Fire Ban is in place	\$3000	\$6000
35(k) – unless authorized, discharge Fireworks during a Fire Restriction or Fire Ban	\$3000	\$6000
35(l) - Light a fire or allow a fire to be lit without a Fire Permit	\$3000	\$6000
35(m) - Provide false, incomplete or misleading information	\$500	\$1000
35(n) - Light a fire on land without Owner's written consent	\$1000	\$2000
35(o) – Permit a fire to pass from their land to land of another Person	\$3000	\$6000
35(p) – Light fire without sufficient precautions	\$500	\$1000
35(q) – Fire that impedes visibility of vehicular and pedestrian traffic on any road or highway	\$500	\$1000
35(r) – Light fire on lands owned or controlled by the County without written permission	\$1000	\$2000
35(s) – Use a fire to burn Prohibited Debris	\$3000	\$6000
Any contravention not specifically identified	\$1000	\$2000

Schedule "C"

What is allowed during a Fire Advisory, Fire Restriction or Fire Ban

Activity	Normal Fire Precautions	Fire Advisory	Fire Restriction	Fire Ban
Fire Permits	As issued by a fire guardian	Existing permits cancelled, no new permits issued	Existing permits cancelled, no new permits issued	Existing permits cancelled, no new permits issued
Burn Barrels / Incinerators	Yes	Yes	No	No
Safe wood Campfires on public lands ¹	Yes	Yes	No	No
Safe wood campfires on private campgrounds ¹	Yes	Yes	No	No
Backyard firepits	Yes	Yes	No	No
Barbeque – Charcoal briquette	Yes	Yes	Yes	No
Propane / Natural gas powered appliances	Yes	Yes	Yes	Yes
Indoor wood fire ²	Yes	Yes	Yes	Yes
Open flame oil devices ³	Yes	Yes	Yes	Yes
Fireworks	Yes	Yes	By Permitted Organizations only	No
Exploding targets	Yes	Yes	No	No

¹ Safe wood campfires – should be within a metal, brick, or rock fire ring. They are required to:

- a) Be on rock, gravel, sand, or another non combustible surface that extends at least one meter around the fire
- b) Have a responsible person in attendance to keep fire under control at all times and extinguish before leaving
- c) Have on hand enough water on site to extinguish the fire. Safe wood campfires on private lands include private land campgrounds and private land recreation areas. Municipalities, Parks and protected areas may have additional fire safety requirements.

Please note – Municipalities, campgrounds, and parks (federal and provincial), may have additional fire safety requirements.

² An indoor wood fire is a fire inside a structure (such as facility, building, tent or RV) and contained within a device with a chimney and spark arrestor.

³ Open flame oil devices: All devices (such as turkey deep fryers and tiki torches) must be used as per manufacturer standards.

Users are still responsible for care and attendance of all devices and should reduce their use during fire restrictions and bans. Approved activities or devices will not prevent potential prosecution or litigation if the user or device starts a wildfire.