

**TOWN OF NANTON  
BYLAW # 1204/09**

**A BYLAW OF THE TOWN OF NANTON, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES.**

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**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 Council for the Town of Nanton has established a joint Fire Safety Quality Management Plan, approved by the Safety Codes Council, dated October 23, 1998, pursuant to the provisions of the *Safety Codes Act* R.S.A 2000, Chapter S-1, as amended;

**AND WHEREAS** the Council for the Town of Nanton wishes to regulate the use and setting of fires within the Town;

**AND WHEREAS** the Council for the Town of Nanton wishes to establish and provide for the efficient operation of Fire Protection Services;

**NOW THEREFORE**, the Council of The Town of Nanton, in the Province of Alberta, duly assembled, enacts as follows:

**SECTION 1    SHORT TITLE:**

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

**SECTION 2    DEFINITIONS:**

In this Bylaw:

- 2.1     "Apparatus" - means any vehicle suitable for land, air, or water use which is provided with machinery, devices, equipment, materials or personnel for Fire fighting, rescue, or other emergency response, as well as vehicles used to transport Fire Fighters or supplies".
- 2.2     "CAO" (Chief Administrative Officer) means that person appointed to the position and title by Council and includes any person appointed by the CAO to act as his/her appointee.
- 2.3     "Community Peace Officer" – means a person employed by the Town and appointed as same by the Minister responsible for the Alberta *Peace Officer Act*, 2006, Chapter P-3.5 to enforce Provincial legislation and municipal bylaws.
- 2.4     "Council" - means the Town of Nanton Council.
- 2.5     "Equipment" - means any tools, contrivances, devices and materials used by the Fire Department, to combat an Incident or other Emergency.

- 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 a Fire Department who is appointed as the head of the Fire Department.
- 2.9 "Fire Department" - means any fire department established by this Bylaw, or under a Fire Protection Agreement, and includes any person duly appointed to the Fire Department by the Fire Chief from time to time.
- 2.10 "Fire Department Property" - means all property owned or controlled by, and designated for use by, the Fire Department, regardless of the source of the property.
- 2.11 "Fire Hazard" - means any condition, circumstance, or event that increases the possibility and/or probability of Fire occurrence.
- 2.12 "Fire Pit" – means an outdoor receptacle acceptable that meets the following specifications:
- 2.12.1 A minimum of three (3) metre clearance, measured from the nearest fire pit edge is maintained from buildings, property lines, or other combustible material;
  - 2.12.2 The fire pit height does not exceed .6 metre when measured from the surrounding grade to the top of the pit opening;
  - 2.12.3 The fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;
  - 2.12.4 The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;
  - 2.12.5 A spark arrester mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks,
  - 2.12.6 The fire pit is not located over any underground utilities or under any aboveground wires, and
  - 2.12.7 Is otherwise acceptable to the Fire Chief.
- 2.13 "Fire Protection Agreement" - means an agreement entered into by the Town with another municipality or entity, with a view to ensuring the prevention and control of fires, with respect to land within the Town's boundaries or under the Town's control.
- 2.14 "Fire Protection Charge" – means the charges and fees payable pursuant to Section 12 of this Bylaw
- 2.15 "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.
- 2.16 “Fireworks” – means any article defined as a firework or firecracker pursuant to the Canada **Explosives Act** or regulations thereto, as well as the Alberta **Fire Code**, as amended repealed or replaced from time to time.
- 2.17 “Incident” - means a Fire or a situation where a Fire or an explosion is imminent or any other situation where there is a Fire, a danger or a possible danger to life or property.
- 2.18 “Incident Commander” - means the Member of the Fire Department who is responsible for the coordination and execution of overall strategy and fire protection tactics involved in combating an Incident.
- 2.19 “Member” - means any person who is a duly appointed member of the Fire Department, including a part-time member, volunteer, or Officer.
- 2.20 “Officer” - means a Member appointed as the Fire Chief or Designate to a supervisory position within the Fire Department.
- 2.21 “OG” (Operational Guidelines)- means the guidelines as approved by Council resolution and as such guideline may be amended, revised or replaced from time to time that provide the basis for Fire Protection Services.
- 2.22 “Outdoor Fireplace” – means a receptacle that meets the following specifications:
- 2.22.1 A minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
  - 2.22.2 The fireplace is constructed of materials such as bricks or rocks that are heat and flame resistant;
  - 2.22.3 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;
  - 2.22.4 The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - 2.22.5 The base of the fire burning area is not less than .3 metres above the surrounding grade;
  - 2.22.6 The fire chamber does not exceed 1.25 metres in width, and is at least .4 metres but not more than .6 metres in depth; and
  - 2.22.7 Is otherwise acceptable to the Fire Chief.
- 2.23 “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.
- 2.24 “Property” - means any real or personal property, which, without limiting the generality of the foregoing, includes land, equipment, products, vehicles and structures.
- 2.25 “Quality Management Plan” – means the joint Fire Safety Quality Management Plan, approved by the Safety Codes Council, dated February 13, 2001. Accreditation No. J000131, Order No. O00000645.

- 2.26 "Recreational Fire" – means a Fire for recreational purposes and is confined to a non-combustible container, such as a Fire Pit or Outdoor Fireplace, as per 2.22, 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,
- 2.27 "Running Fire" – means a Fire burning without being under proper or any control of any person.
- 2.28 "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.
- 2.29 "Town" – means the Town of Nanton and the area within its boundaries.
- 2.30 "Violation Tag" – means a tag or similar document issued pursuant to the **Municipal Government Act**, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, and any Regulations thereunder.
- 2.31 "Violation Ticket" – means a ticket issued pursuant to Part 2 of the **Provincial Offences Procedure Act**, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and any Regulations thereunder.

### **SECTION 3 FIRE DEPARTMENT:**

- 3.1 Council hereby establishes the Nanton Fire Department for the purpose of:
  - 3.1.1 Providing Fire Protection Services;
  - 3.1.2 Preventing, combating and extinguishing Fires and Incidents;
  - 3.1.3 Investigating the cause and origin of Fires and Incidents;
  - 3.1.4 Preserving life and Property and protecting persons and Property from injury or destruction by Fire or Incident;
  - 3.1.5 Operating Apparatus and Equipment for the purpose of extinguishing Fires or Incidents and preserving life and Property;
  - 3.1.6 Fulfilling obligations under approved Fire Protection Agreements;
  - 3.1.7 Providing public education about Fire safety;
  - 3.1.8 Carrying out Fire inspections and prevention patrols;
  - 3.1.9 Pre-Fire and emergency planning and Practice
  - 3.1.10 Providing initial first response to medical incidents; and
  - 3.1.11 Providing rescue services.

And each shall be performed by the Nanton Fire Department to the level of service adopted by Council, which shall not be inconsistent with the legislation and regulation of the Province of Alberta.

- 3.2 The Fire Department shall develop Operation Guidelines that are consistent with this Bylaw and the legislation and regulations of the Province of Alberta, for approval by Council.

### **SECTION 4 FIRE CHIEF APPOINTMENT AND DUTIES:**

- 4.1 The Fire Chief shall be selected by the CAO in accordance with the Fire Chief Selection Policy, which is set out in Schedule "A" attached hereto and forming part of this Bylaw.

- 4.2 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 directly to the CAO on a monthly basis.
- 4.3 The Fire Chief shall report all Fires and Incidents immediately after completing response to said Fires and Incidents to the CAO, 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.
- 4.4 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 fire-related activities as the CAO directs, including but not limited to:
  - 4.4.1 Pre-Fire planning;
  - 4.4.2 Preventative Patrols;
  - 4.4.3 Fire suppression activities;
  - 4.4.4 Emergency medical services, excepting ambulance services;
  - 4.4.5 Rescue operations;
  - 4.4.6 Disaster relief; and
  - 4.4.7 Practice and Member training.

**SECTION 5 OFFICER APPOINTMENT AND DUTIES:**

- 5.1 Officers shall be appointed at the discretion of the Fire Chief or Designate.
- 5.2 An Officer shall:
  - 5.2.1 Function as an Incident Commander, as required or upon request by the Fire Chief;
  - 5.2.2 Assist the Fire Chief in ensuring that all Fire reports, Incident and accident reports, and any and all other reports required by this Bylaw and the legislation and regulations of the Province of Alberta are completed and submitted in a clear, concise, and timely manner;
  - 5.2.3 Assist the Fire Chief in establishing rules, requirements, policies, and procedures for the efficient and safe operation of the Fire Department;
  - 5.2.4 Assist the Fire Chief in maintaining a liaison with federal and provincial governments and Council on matters relating to the Fire Department;
  - 5.2.5 Organize and assume responsibility for Fire Protection Services resources, Apparatus, and Equipment, as required;
  - 5.2.6 Provide leadership to Members and develop and implement long-range plans and programs;

**SECTION 6 MEMBER APPOINTMENT:**

- 6.1 An individual interested in becoming a Member of any Fire Department within the Town shall be eligible for consideration if he or she:

- 6.1.1 is a minimum of eighteen (18) years of age; and
  - 6.1.2 has met the requirements set out in the Fire Department's Standard Operational Procedures, and any provincial Occupational Health and Safety program or training; and
  - 6.1.3 has been recommended by the Fire Chief of the Fire Department, or by an Officer of that Fire Department, following a probationary period; and
  - 6.1.4 has demonstrated that he or she is in a reasonable physical condition to perform the duties required of the Member by the Fire Department.
- 6.2 An individual interested in applying to become a Member of a Fire Department shall supply the Fire Chief of the Fire Department with the following:
- 6.2.1 a criminal record check report performed by the Royal Canadian Mounted Police Service;
  - 6.2.2 a signed form (attached as Schedule "B") acknowledging their agreement to comply at all times with the requirements of this Bylaw;
  - 6.2.3 a photocopy of a valid Alberta driver's license;
  - 6.2.4 a valid Social Insurance Number;
  - 6.2.5 proof of Canadian citizenship or residency;
  - 6.2.6 a Driver's Abstract generated by the Province of Alberta within the past thirty (30) days; and
  - 6.2.7 any other information deemed necessary by the Fire Chief to establish compliance with the requirements established by the Province and the Municipality.
- 6.3 Individuals under the age of eighteen (18) may assist in specific non-emergency functions with written parental consent to do so, and as approved by the Fire Chief.
- 6.4 If a Member's driver's license is suspended for any reason, the Member shall immediately inform the Fire Chief of the Fire Department.

**SECTION 7      POWERS OF FIRE CHIEF:**

- 7.1 The Fire Chief may establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including, but not limited to:
- 7.1.1 use, care and protection of Fire Department Property;
  - 7.1.2 conduct and discipline of Officers and Members of the Fire Department;
  - 7.1.3 efficient operations of the Fire Department;
  - 7.1.4 training of Officers and Members of the Fire Department;
- such rules, regulations and policies shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 7.2 The Fire Chief may obtain assistance from other members as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.

**SECTION 8     POWERS OF INCIDENT COMMANDERS:**

- 8.1     The Incident Commander shall have control, direction and management of any Fire Department Apparatus, Equipment or manpower, assigned to an Incident and he or she shall continue to act until relieved by an Officer authorized to do so.
- 8.2     The Incident Commander may at his or her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her.
- 8.3     The Incident Commander may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 8.2.
- 8.4     The Incident Commander is empowered to enter any Property to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an Incident, including:
  - 8.4.1    Passing through or over buildings or Property adjacent to an Incident and to causing Members of the Fire Department and the Apparatus and Equipment of the Fire Department to enter or pass through or over the building or Property;
  - 8.4.2    Ordering the evacuation of any building or area which is directly or indirectly involved in an Incident.
  - 8.4.3    Causing a building, structure or thing to be pulled down, demolished or otherwise removed; and
  - 8.4.4    Upon extinguishment of a Fire or resolution of an Incident, access, enter, pass through, or over buildings or property adjacent to a fire or Incident, and cause a building, structure or thing to be pulled down, demolished or otherwise removed in accordance with the **Safety Codes Act**, R.S.A. 2000, Chapter S-1, as amended, and any regulations thereto.

**SECTION 9     POWERS OF MEMBERS:**

- 9.1     All Fire Members are designated officers within the meaning of the **Municipal Government Act** R.S.A. 2000 Chapter M-26, as amended, for the purposes of providing Fire Protection Services to the Town.
- 9.2     Each Member shall have the authority and power to:
  - 9.2.1    Require any able-bodied adult person to assist in extinguishing Fires and to assist in the prevention or spread thereof;
  - 9.2.2    Obtain from every person found on public land or leaving or entering public land that person's name, address and an account of his or her activities and the route of the activities he or she proposes to carry out and the route he or she intends to follow on the public land;
  - 9.2.3    Without a warrant enter on or into any Property except a private dwelling house, for the purpose of discharging his or her duties under this Bylaw;
  - 9.2.4    Without warrant, enter any private dwelling house which is on Fire and proceed to extinguish the Fire or to prevent the spread thereof;
  - 9.2.5    Direct the operations of extinguishing or controlling the Fire or the operations to preserve life and Property;

- 9.2.6 Perform work relating to the extinguishing or controlling the Fire or the operations to preserve life and Property and enter onto any Property for the purpose of extinguishing or controlling the Fire; and
- 9.2.7 Prevent the interference with the efforts of persons engaged in the extinguishing of Fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of the Fire.

**SECTION 10 HEALTH AND SAFETY:**

- 10.1 All Members shall endeavour to perform Fire Protection services in a safe manner, according to this Bylaw and to the training provided, and to know safe working procedures.
- 10.2 All Members shall endeavour to report unsafe conditions and reduce the incidence of unsafe conditions.
- 10.3 No alcohol shall be served, stored or consumed by any member or potential member at the Firehall except in the case of a special event as approved by Council from time to time; provided that such serving, storage or consumption is in accordance with all provincial liquor licensing.

**SECTION 11 CONTROL OF FIRE HAZARDS:**

- 11.1 If the Fire Chief or Designate finds within the Town's boundaries, on privately owned land or occupied public land, conditions that, in his/her opinion, constitute a Fire Hazard, it 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 Town.
- 11.2 If the Fire Chief or Designate finds that the order it made pursuant to Section 11.1 has not been carried out, a Designated Officer may enter onto the land with any equipment and any person he/she considers necessary and may perform the work required to eliminate or reduce the Fire Hazard.
- 11.3 The owner or occupant of the land on which work was performed pursuant to Section 11.2 shall, upon demand, pay to the Town a Fire Protection Charge and in default of payment of the Fire Protection Charge, the Town may add the Fire Protection Charge to the tax roll of the said land, which forms a special lien against the land in favour of the Town, from the date it was added to the tax roll.

**SECTION 12 FIRE PROTECTION CHARGES:**

- 12.1 Upon the Town issuing an Order or taking steps under Sections 11.1 or 11.2, or upon the Fire Department providing Fire Protection Services to Property within or outside the Town boundaries, resulting in the Town incurring fees or charges, the Town may in its sole and absolute discretion charge any or all of the following persons, namely:
    - 12.1.1 The person causing or contributing to the Fire; or
    - 12.1.2 The owner or occupant of the Property;
- a Fire Protection Charge, and all individuals charged are jointly and severally responsible for payment of the Fire Protection Charge to the Town;



- 12.2 The schedule of fees for Fire Protection Charges is set out in Schedule "C" attached hereto and forming part of this Bylaw.
- 12.3 Without limiting the foregoing, a Fire Protection Charge may be imposed in the event of a False Alarm.
- 12.4 A Fire Protection Charge shall be paid within thirty (30) days of being levied.
- 12.5 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Town is entitled to place on the Property in respect of which the indebtedness is incurred.
- 12.6 The owner of a parcel to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Town 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.

**SECTION 13 PERMITTED AND PROHIBITED FIRES:**

- 13.1 No person shall set, or cause to be set, any Fire within the boundaries of the Town except as otherwise provided for under this Bylaw.
- 13.2 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 Town.
- 13.3 Subject to Section 15, a person may, on property owned or controlled by him or her, set a Recreational Fire, so long as that Recreational Fire is set within a Fire Pit or other structure designed for the purpose of containing the Recreational Fire within a small, controlled area. Such a structure shall include a rock or brick Fire Pit, barrel or stone barbeque.
- 13.4 When a Fire is set in contravention of Sections 13.1 or 13.2, or during a Fire ban pursuant to Section 15, the owner or occupier of the land, or the person having control of the land upon which the Fire is lit shall:
  - 13.4.1 Extinguish the Fire immediately; or
  - 13.4.2 If unable to extinguish the Fire immediately, report the fire to the Fire Department as soon as possible.

**SECTION 14 FIREWORKS:**

- 14.1 No person shall use Fireworks or permit the use of Fireworks on his or her property or property under his or her control, within the boundaries of the Town.
- 14.2 Subject to Section 14.1, authorization for Fireworks will only be issued for the discharge of professional Fireworks and discharged by a minimum Level 2 Fireworks Supervisor as accredited by Natural Resources Canada. .

**SECTION 15 FIRE BANS:**

- 15.1 The Fire Chief or CAO may, from time to time, prohibit all Fires within the Town including Recreational Fires when, in the discretion of the Fire Chief or CAO, the prevailing

environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.

- 15.2 A Fire ban imposed by the Fire Chief or CAO under Section 15.1 shall be in force either until the date established by the Fire Chief or CAO in the notice provided to the public pursuant to Section 15.3, or until such time as the Fire Chief or CAO gives notice to the public that the ban has been lifted.
- 15.3 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 Town, facing both incoming and outgoing traffic. Such a sign shall indicate that the Fire ban is in place, the date if any that the ban shall be lifted, and the penalty for failing to comply with the Fire ban.
- 15.4 When a Fire Ban is in effect, **NO PERSON** shall ignite a Recreational Fire, or cause or allow a Recreational Fire to be ignited on his or her Property or Property under his or her control.
- 15.5 Any Fire Permits, that were previously issued, will be **SUSPENDED** for the duration of the Fire ban.

**SECTION 16 PROPERTY IDENTIFICATION:**

- 16.1 The civic address of any Property, including buildings and structures, shall be prominently displayed on both the front street-side of the property and the rear laneway, so as to be clearly visible from the street and rear laneway respectively. Property owners must comply with this section within six (6) months of the passing of this Bylaw.

**SECTION 17 LEVEL OF SERVICE:**

- 17.1 The level of service policies adopted by the Municipality are those set out in Schedule "D".

**SECTION 18 APPEAL:**

- 18.1 A person who considers himself or herself aggrieved by a written order given pursuant to this Bylaw may appeal the direction to the Council, under terms prescribed by the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26 as amended.

**SECTION 19 INTERERFERENCE WITH DUTIES:**

- 19.1 No person shall obstruct the Fire Chief 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 20 OFFENCES:**

- 20.1 No person shall:
- 20.1.1 Contravene any provision of this Bylaw;
  - 20.1.2 Impede, obstruct or hinder a Member, or other person assisting or acting under the direction of a Member;

- 20.1.3 Damage or destroy Fire Department Property or Equipment;
- 20.1.4 At an Incident, drive a vehicle over any Apparatus or Equipment without permission from the Fire Chief or Incident Commander;
- 20.1.5 Obstruct a Member from carrying out any function or activity related in any way to Fire Protection;
- 20.1.6 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;
- 20.1.7 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;
- 20.1.8 Light an Outdoor Fire or Structure Fire unless:
  - 20.1.8.1 The Fire is a Recreational Fire; or
  - 20.1.8.2 The Fire has been set by a Member for the purpose of training Members
- 20.1.9 Permit an Outdoor Fire or Structure 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.
- 20.1.10 When a Fire is set under the circumstances described in Section 20.1.9 the owner or occupier of the land or the person having control of the land upon which the Fire is lit shall:
  - 20.1.10.1 Extinguish the Fire immediately; or
  - 20.1.10.2 If unable to extinguish the Fire immediately, report the Fire to the Fire Department.
- 20.1.11 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 to pass from his or her own property to that of another.
- 20.1.12 Light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times;
- 20.1.13 Light a Fire when the weather conditions are conducive to creating a Running Fire;
- 20.1.14 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;
- 20.1.15 Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire;
- 20.1.16 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;
- 20.1.17 Knowingly providing false, incomplete or misleading information about a Fire;

20.1.18 Use a Fire to burn:

- 20.1.18.1 Material that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, or other materials or creosoted wood; or
- 20.1.18.2 Herbicides, pesticides or other toxic materials or substances;

20.1.19 Conduct any activity that involves the use of a 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; or

20.1.20 Light a Fire on lands owned or controlled by the Town except with the Town's express written consent or if a Recreational Fire, in a fireplace or campfire pit provided by the Town for that purpose.

**SECTION 21 PENALTIES:**

21.1 Any person who:

- 21.1.1 Violates any provision of this Bylaw;
- 21.1.2 Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- 21.1.3 Neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
- 21.1.4 Does any act or thing or omits any act or thing, thus violating any provision of this Bylaw;

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

21.2 No person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

**SECTION 22 VIOLATION TAGS AND TICKETS:**

22.1 Where a Peace Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Peace Officer is authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable grounds to believe is responsible for the contravention.

22.2 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of actual service upon the person or by mailing a copy to the Person at his or her address as it appears on the Town's tax roll.

22.3 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag within ten (10) business days if delivered by actual service to the person and within fourteen (14) business days if served by mail.

- 22.4 Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Peace Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the **Provincial Offences Procedure Act**, R.S.A. 2000, c. P-34, as amended, or repealed and replaced from time to time, to any person the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 22.5 A Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in the Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.
- 22.6 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule "E" of this Bylaw in respect of that provision.
- 22.7 Where any Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second such contravention shall be double the amount provided for in Schedule "E" of this Bylaw.
- 22.8 Where any Person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent such contravention shall be triple the amount provided for in Schedule "E" of this Bylaw.

### **SECTION 23 ENFORCEMENT:**

- 23.1 Where Property does not comply with this Bylaw or a person contravenes this Bylaw, the Town may pursue its enforcement alternatives in accordance with any Act, or common law right, including but not limited to the issuance of an order to remedy the contravention by the Town, adding amounts to the tax roll, and pursuing injunctions pursuant to the **Municipal Government Act**, R.S.A. 2000, Chapter M-26 as amended.

### **SECTION 24 NOTICE:**

- 24.1 Any Notice provided for in this Bylaw shall be in writing.
- 24.2 Service of any Notice provided for in this Bylaw may be made as follows
- 24.2.1 Personally upon the person to be served; or
- 24.2.2 By mailing the copy to the person to be served by registered mail or certified mail to the last known post office address of the person to be served and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf;
- 24.2.3 Where the Property is not occupied, by mailing the notice by registered mail or certified mail to the mailing address noted on the Town's tax roll for that Property, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf; or
- 24.2.4 As directed by the Court

**SECTION 25 LIABILITY:**

25.1 The CAO, Officers, Members and Peace Officers are not liable for loss or damage caused by anything said or done or omitted and to be done in the performance or intended performance of their functions, duties or powers unless the circumstances constitute dishonesty, gross negligence or willful misconduct.

**SECTION 26 GENERAL:**

26.1 Should any section or part of this Bylaw be found to be improperly enacted, or outside the Municipality's jurisdiction, for any reason, then such section or part will be regarded as being severed and the remaining sections will remain effective and enforceable.

26.2 This Bylaw will function in conjunction with the Quality Management Plan, Operational Guidelines, and the Town's Occupational Health and Safety program.

26.3 Where the singular and/or masculine are herein used, the plural and feminine should also be inferred where appropriate.

26.4 Bylaw 1025/96 and 1114/01 are hereby repealed.

26.5 Read a first time this 6th day of April, 2009.

**TOWN OF NANTON**

\_\_\_\_\_  
**CHIEF ELECTED OFFICIAL**

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

26.6 Read a second time this 4<sup>th</sup> day of May, 2009.

26.7 Read a third time this 4<sup>th</sup> day of May, 2009.

**TOWN OF NANTON**

\_\_\_\_\_  
**CHIEF ELECTED OFFICIAL**

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

### **FIRE CHIEF SELECTION POLICY**

- The Town will post the position of Fire Chief and Job Description at the Town Office and Fire Hall as well as advertising in the Regional Newspaper twice in consecutive editions. Applications will be accepted up to 21 days after the first ad appears.
- Applicants will be short listed and interviewed by the Chief Administrative Officer. The CAO may include a member (or members) of the Protective Services Committee and outside resources such as the Fire Commissioners Office to assist in this process.
- The CAO will make the selection of a candidate and will advise Council of the choice.
- The CAO will evaluate the Fire Chief on an annual basis.

**MEMBER AGREEMENT**

**TOWN OF NANTON MEMBER AGREEMENT**

I, \_\_\_\_\_, member of the Nanton Fire Department, agree that I  
(Print Name)

**agree to comply at all times with the requirements of Bylaw 1204/09. (as attached)**

Member: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Town of Nanton Fire Chief or Officer Date: \_\_\_\_\_



**FEE SCHEDULE:  
FIRE PROTECTION CHARGES**

<b>FIRE PROTECTION CHARGES</b>	
<b>Town-owned Apparatus/Goods/Service</b>	<b>Fees</b>
<b>Within Town of Nanton corporate limits:</b>	
All Fire Apparatus	400.00 First Hour
Fire Pumper	50.00 Per each subsequent half hour
Rescue Truck	50.00 Per each subsequent half hour
Command Vehicle	50.00 Per each subsequent half hour
Bush Buggy	50.00 Per each subsequent half hour
Special Events Patrol	5.00 Per Camping Unit per day
Mutual Aid by other municipalities	Billed at the Town's cost
Class A Fire Fighting Foam	Billed at the Town's cost
Class AFFF Fire Fighting Foam	Billed at the Town's cost
False Alarm	50.00 Per incident at the discretion of the Fire Chief or designate
Fire Inspection	75.00 Per Inspection
<b>Outside Town of Nanton corporate limits:</b>	
Fire Pumper	400.00 First Hour
Fire Pumper	100.00 Per each subsequent half hour
Rescue Truck	400.00 First Hour
Rescue Truck	100.00 Per each subsequent half hour
Rescue Truck - as a personnel carrier only	100.00 Per Hour
Class A Fire Fighting Foam	Billed at the Town's cost
Class AFFF Fire Fighting Foam	Billed at the Town's cost

## LEVEL OF SERVICE

### Definitions:

The levels of service are based on existing and future equipment and training, using National Fire Protection Association (NFPA) definitions as stated in NFPA 471 – Standard for Professional Competence of Responders to Hazardous Materials and adopted to fit other incident situations.

Awareness level - Responders will recognize risks and hazards, identify specific components by name or situation, identify fire, explosion, and health hazard information, identify specific risks and hazards, secure the area and implement the planned response. (call for trained assistance.)

Operations level - Responders will take defensive action to control the incident. This will include a survey of the incident, collect information, predict the behavior of the situation, estimate potential harm, plan the response and implement, followed by an evaluation of the status of the defensive action.

Technician level - Responder will initiate offensive action to bring the incident under control. This will require use of chemical protective clothing or other specialized PPE, controlling release or spread of product, decontamination, and use of specialized equipment specific to a particular incident.

The following is the minimum level of service that can be expected within the Town of Nanton boundaries:

1. **Structural firefighting**  
The department will provide structural fire fighting at awareness level
2. **Wildland firefighting**  
The department will provide wildland firefighting at awareness level
3. **Vehicle firefighting**  
The department will provide vehicle firefighting at awareness level
3. **Rescue**
  - The department will provide Motor Vehicle Collision rescue at the awareness level
  - The department will provide confined space rescue at the awareness level
  - The department will provide trench rescue at the awareness level
  - The department will provide high angle rescue at the awareness level
  - The department will provide water rescue at the awareness level
  - The department will provide ice rescue at the awareness level
4. **Dangerous Goods**  
The department will provide dangerous goods response at the awareness level
5. **Flammable Liquid firefighting**
  - The department will provide flammable liquid firefighting for small spill fires and small containers to 250 liters at the operations level.
  - The department will provide flammable liquid firefighting for spills in excess of 250 liters at the awareness level.
6. **All other rescue operations**  
The department will provide all other rescue operations at the awareness level.

**PENALTIES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>MINIMUM PENALTY for First Offence</b>
13.1	Setting Illegal Fire	\$200.00
13.2	Burning refuse, waste, junk, garbage, structures, or debris	\$250.00.
14.1	Using Fireworks, or permitting use of Fireworks	\$150.00
15.4	Burning Recreational Fire when Fire Ban in place	\$200.00
16.1	Civic addressing not prominently displayed on both front side and rear laneway	\$200.00
20.1.1, 21	Contravening a provision of Bylaw (where no other specific fine imposed)	\$200.00
20.1.2, 20.1.5 20.1.17	Impeding, obstructing, hindering Member or Officer Providing false, incomplete, misleading information;	\$200.00
20.1.3	Damage, destroy Fire Department Property	\$400.00
20.1.4	Drive over Fire Department Property	\$200.00
20.1.6	Falsely represent self as Member of Fire Department	\$300.00
20.1.7	Obstruct access	\$200.00
20.1.8	Lighting an Outdoor Fire or Structure Fire in contravention of the Bylaw	\$200.00
20.1.10	Failing to extinguish an illegal Fire or reporting it immediately to the Fire Department	\$150.00
20.1.11 20.1.14	Allowing Fire to become Running Fire	\$300.00
20.1.12	Lighting a Fire without taking sufficient precautions to ensure it can be kept under control at all times	\$150.00
20.1.13	Lighting a Fire when condition conducive to creating Running Fire	\$200.00
20.1.15	Depositing, discarding, leaving, or burning matter or substance	\$100.00
20.1.16	Any conduct involving Fire that might reasonably cause a Fire unless reasonable care to prevent a Fire is used	\$100.00
20.1.18	Use a Fire to burn material that will produce smoke or toxic materials	\$100.00
20.1.19	Impeding Vehicular and pedestrian traffic by smoke	\$100.00
20.1.20	Lighting Fire on Town Land	\$150.00