

**BYLAW 12-006
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF A FIRE DEPARTMENT, AND FOR THE REGULATING AND CONTROLLING OF FOREST AND PRAIRIE FIRES AND FIRE HAZARDS HEREAFTER REFERRED TO AS THE "FIRE PROTECTION BYLAW".

WHEREAS under the authority and pursuant to Section 7 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments thereto, Council may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Forest and Prairie Protection Act, R.S.A. 2000, Chapter F-19, as amended, provides certain discretionary and mandatory powers to enable a municipality to carry out and enforce the provisions of the Forest and Prairie Protection Act within its boundaries as applicable;

AND WHEREAS the Council for Lac La Biche County considers it necessary to establish a Fire Department for the prevention of and the extinguishing of fires, Fire Hazards and other related matters;

AND WHEREAS the Council for Lac La Biche County considers it necessary to establish regulations, controls , and processes for preventing controlling and fighting forest and prairie fires and Fire Hazards;

AND WHEREAS the Council for Lac La Biche County acknowledges that the provision of fire and Emergency response services is dependent upon a number of factors including the infrastructure and resources which may be available for such services, competing demands upon such resources, and the large geographic size of the County, and that in the result, the County is unable to provide fire and Emergency response services in the same manner or to the same standards which may be available in other jurisdictions, or to provide such services in the same manner, or to the same standards in all areas or the County, or to all people within the County;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Government Act, and by virtue of all other enabling powers, the Council for Lac La Biche County, duly assembled, enacts as follows:

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Fire Protection Districts

This Bylaw may be cited and referred to as the "Fire Protection Bylaw".

PART A GEOGRAPHICAL APPLICATION OF BYLAW

1. This Bylaw applies within the geographical boundaries of Lac La Biche County to such extent as a Bylaw respecting fires may be passed in accordance with s. 75 of the *Municipal Government Act*,

or its successor. For greater certainty, but not so as to restrict the generality of the foregoing, this Bylaw applies to any part of a Hamlet within a forest protection area in Lac La Biche County.

PART B DEFINITIONS

2. In this Bylaw, the following words and phrases shall have the following meanings:

“Apparatus” – means any vehicle provided with machinery or devices, Equipment or materials for fire fighting, as well as vehicles used to transport fire fighters or supplies.

“CAO” – means the Chief Administrative Officer of Lac La Biche County, or his designate.

“Council” – means the Council for Lac La Biche County.

“County” – means Lac La Biche County, in the Province of Alberta.

“County Administration” – means the Chief Administrative Officer, any designated officer, the Manager of Protective Services and any other County employee(s) so delegated by the Chief Administrative Officer or by a designated officer.

“District Fire Chief” – an individual appointed as head of the District Fire Department by the Regional Fire Chief.

“District Fire Department” – means the Fire Chief and Volunteer Fire Department Members and Officers within a Fire Protection District.

“Emergency” – means a fire, Fire Hazard or any other situation or circumstances that present imminent or immediate danger to persons or property.

“Equipment” – means any tools, contrivances, devices or materials used to combat an Incident or other Emergency.

“False Alarm” – means any fire alarm that is sent out, through willful human error, or mechanical error, and to which a District Fire Department responds.

“Fire Department” – means the combined District Fire Departments.

“Fire Guardian” – means the Chief Administrative Officer, the Director of Community Services, the Manager of Protective Services, a Community Peace Officer and each Fire Guardian appointed by Council, or such other persons as Council shall appoint to perform such functions as are set forth in this Bylaw, which are consistent with the *Forest and Prairie Protection Act*.

“Fire Hazard” – means a situation which threatens the preservation of life or property with injury and/or destruction by fire, including all fire aspects, but not limited to heat, smoke, health issues, ignition sources and dangerous situations and or the potential thereof to the public.

“Fire Permit” – means a Fire Permit issued pursuant to this Bylaw.

“Fire Protection” – means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development.

“Fire Protection District” – means an area of Fire Protection as set by Council from time to time. In this Bylaw “Fire Protection Districts” may also be referred to as “Fire Districts” or “Districts”.

“FPPA” – means the Forest and Prairie Protection Act, as amended from time to time.

“Incident” – means a fire, a Fire Hazard, a situation where a fire or explosion is imminent, a motor vehicle accident or any other situation presenting a danger or possible danger to life or property and to which one of the District Fire Departments has responded.

“Member” – means any person that is a duly appointed volunteer or paid Member of the Fire Department or a District Fire Department.

“Peace Officer” – means a member of the RCMP, or a Peace Officer or Bylaw Enforcement Officer employed or retained by the County

“Manager of Protective Services” – means the Manager of Protective Services for Lac La Biche County.

“MGA” – means the *Municipal Government Act*, R.S.A. 2000, c. M-26.

“Regional Fire Chief” – means an individual appointed as head of the Fire Department by the Chief Administrative Officer.

“Violation Tag” – means a tag or similar document issued by Lac La Biche County pursuant to the MGA or other legislation.

“Violation Ticket” – means a ticket issued pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, and regulations thereunder.

PART C FIRE DEPARTMENT

Section 3 – Establishment of Fire Protection Districts and District Fire Departments

3.1 Council hereby establishes the following Fire Protection Districts within Lac La Biche County:

- a. Lac La Biche;
- b. Plamondon;
- c. Owl River;
- d. Hylo; and
- e. Rich Lake

The boundaries of which are identified in Schedule “B” attached hereto.

- 3.2 Council hereby establishes a Fire Department in Lac La Biche County consisting of those persons appointed by this Bylaw, and the following District Fire Departments:
- a. Lac La Biche;
 - b. Plamondon;
 - c. Owl River;
 - d. Hylo; and
 - e. Rich Lake.

Section 4 – Appointment of Officers

- 4.1 The Regional Chief will, based on the hiring competition results for a vacant position, appoint the District Chief. These positions will be posted and applied for by interested members in the Fire Protection district the vacancy occurs in and follow standard HR Policy procedures for selection.
- 4.2 Other volunteer Members and officers may be appointed to a District Fire Department by the Regional Fire Chief on recommendation of the District Fire Chief.
- 4.3 The Regional Fire Chief along with two District Fire Chiefs will hold the selection process for Platoon Chiefs, Captains and Lieutenants in areas where vacancies occur.
- 4.4. The Manager of Protective Services based on qualifications may be appointed as the Regional Fire Chief

Section 5 – Jurisdiction

- 5.1 The Council may establish additional Fire Protection Districts and District Fire Departments, from time to time.
- 5.2 The limits of the jurisdiction of the District Fire Chiefs, and the officers and Members of each District Fire Department will extend to the area and boundaries of the Fire Protection District to which they are appointed unless responding to an Incident outside of their Fire District pursuant to Paragraphs 5.3, 5.4 or 24.1 hereof. In that event the District Fire Chiefs, officers and Members shall be subject to the duly appointed fire authorities in such other Districts, but shall otherwise have the power, authority and jurisdiction provided for herein.
- 5.3 No part of the Fire Departments' Equipment or Apparatus shall be used beyond the limits of the County's geographic boundaries without the express authorization of a written agreement providing for the supply of firefighting or Emergency services outside of the County's boundaries, or upon the express permission of the Manager of Protective Services or the Chief Administrative Officer of the County.
- 5.4 Each District Fire Department will endeavor to respond to all reported Incidents within its Fire Protection District insofar as it is reasonable to do so in the circumstances, and, upon request, will endeavour to respond to Incidents in other Fire Protection Districts in the absence of, unavailability of, or in assistance of another District Fire Department insofar as it is reasonable to do so in the circumstances.

Section 6 – Responsibility & Authority

- 6.1 Each Fire Guardian shall have the authority and power to:
- a. issue a Fire Permit in respect of any land within the County of Lac La Biche;
 - b. issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian considers appropriate;
 - c. may suspend or cancel at any time a Fire Permit and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his or her permit;
 - d. enforce the provisions of the Forest and Prairie Protection Act and this bylaw within the boundaries of the County of Lac La Biche.
 - e. refuse issuance of a permit on reasonable and probable grounds that a public interest risk exists related to the proposed fire.
- 6.2 Subject to the requirements of Council, any restrictions contained herein, and the direction and control of the Manager of Protective Services to whom he shall report and be responsible, each District Fire Chief has complete responsibility and authority over the District Fire Department to which he is appointed, and in particular, shall be responsible to carry out all Fire Protection activities and such other activities as the Manager of Protective Services, or in his absence, the CAO, may direct.
- 6.3 The County shall, for each District Fire Department, establish standard operating guidelines and standard operating procedures consistent with the qualifications and training of the Members of that District Fire Department and the Equipment available to the District Fire Department.
- 6.4 Fire services shall be provided by the District Fire Departments, in accordance with the standard operating guidelines and standard operating procedures established for that District Fire Department, for the purposes of, but not limited to:
- a. preventing and extinguishing fires;
 - b. preserving life and property and protecting persons and property from injury or destruction by fire;
 - c. providing rescue services;
 - d. preventing, combating and controlling Incidents;
 - e. carrying out prevention patrols, pre-fire planning and fire inspections;
 - f. investigating the cause of fires;
 - g. services pursuant to agreements between Lac La Biche County and other municipalities or persons for the joint use, control and management of fire extinguishing Apparatus and Equipment;
 - h. operating Apparatus and Equipment for extinguishing fires or preserving life and property.

Notwithstanding the above however, it is acknowledged that the Fire Department and the District Fire Departments rely upon volunteers, and may have limited resources, and nothing contained herein will, or will be deemed to, imply or guarantee any particular level of service, or the ability to respond at or within any given time, or in any given circumstances.

- 6.5 Each District Fire Chief, subject to the ratification by the Council, will through consultation with the Regional Chief, establish rules, regulations, policies and committees necessary for the proper organization and administration of his District Fire Department, including:
- a. Use, care and protection of property under the care or control of the District Fire Department;
 - b. The conduct and discipline of officers and Members of the District Fire Department; and
 - c. The efficient operation of the District Fire Department.
- 6.6 Each District Fire Department will have command and control of Incidents within it's district, subject to the following:
- a. In the event that another District Fire Department (Responding Department) is first to arrive at the scene of an Incident, the Responding Department will take command and control of the Incident until such time as the District Fire Department within whose district the Incident has occurred (Home District) arrives and is ready to assume command, at which time, the Home District will assume command, unless there is an agreement to the contrary;
 - b. commands and requests of a Member in charge shall be communicated in accordance with a command structure of the District Department to whom the commands or requests are directed;
 - c. the Regional Chief may assume Incident command at any time, and when doing so, will act as the Fire Chief of the Fire Department;
- 6.7 Subject to paragraph 6.6 hereof, Incident Commanders will have command and control of all Fire Department and District Fire Department personnel, Equipment and Apparatus in attendance at an Incident.
- 6.8 Subject to Section 6.6 hereof, Members in charge shall be the Fire Chief, District Fire Chiefs, or their designates, or in their absence, the most senior Member of the Fire Department or District Fire Department having jurisdiction.
- 6.9 Officers and Members of each District Fire Department shall carry out the duties and responsibilities assigned to the District Fire Department, and the District Fire Chief shall report to the Manager of Protective Services or his designate on the operations of the District Fire Department or on any other matter, in the manner designated by the CAO.
- 6.10 The Regional Fire Chief, a District 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/she deems it necessary to prevent the spread of fire to other buildings, structures or things.
- 6.11 The Regional Fire Chief, a District Fire Chief, or any other Member in charge at a fire is empowered to enter premises or property where the Incident occurred and to cause any Member, Apparatus or Equipment of the District Fire Department to enter as he deems necessary, in order to combat, control or deal with the Incident.

- 6.12 The Regional Fire Chief, a District Fire Chief, or any other Member in charge at an Incident may, at his discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
- 6.13 The Regional Fire Chief, a District Fire Chief, or any other Member in charge at an Incident is empowered to enter, pass through or over buildings or property adjacent to an Incident and to cause Members of the Fire Department, the District Fire Department and the Apparatus and Equipment of the Fire Department to enter or pass through or over the building or property, where he deems it necessary to gain access to the Incident or to protect any person or property.
- 6.14 A District Fire Chief or the Regional Chief, may obtain assistance from employees of the County, as he deems necessary, in order to discharge his duties and responsibilities under this Bylaw.
- 6.15 The Regional Fire Chief or District Fire Chief or the Member in charge of an Incident may:
- a. Require persons who are not Members to assist in extinguishing a fire, removing items from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or Incident.
 - b. Commandeer privately owned Equipment, which he considers necessary to deal with an Incident.
 - c. Enter private property for the purpose of accessing water sources and/or other resources he considers necessary to deal with an Incident.
 - d. Hire privately owned Equipment in accordance with any policies adopted by the County related to the hiring of Equipment, which he/she considers necessary to deal with an Incident or to extinguish or Control Fires.

Section 7 – Recovery of Costs

- 7.1 Costs and expenses may be incurred by Lac La Biche County for providing fire services and attending at Incidents, including costs of Apparatus, Equipment and consumables. If County Administration determines, after investigation, that an Incident arose due to negligence, wrong doing, or reckless disregard for safety, County Administration may charge to recover the costs and expenses of the County for responding to an Incident, from, as County Administration deems appropriate:
- a. The person who caused the fire;
 - b. The person who directed the lighting of the fire;
 - c. The person who was otherwise responsible for the fire;
 - d. The person who owned the land on which the fire began and does not establish that the fire ignited or was lit without that person's consent, express or implied;
 - e. The person who was in control of the land on which the fire began and does not establish that the fire ignited or was lit without person's consent, express or implied;
 - f. A railway operator, as defined by the FPPA, where a fire originates in the right-of-way, or within the distance prescribed by regulation outside each boundary of the right-of-way, on which the rail tracks are located;
 - g. The person who caused or was responsible for any other Incident;

h. Any number or combination of persons as indicated above;

which person or persons shall be jointly and severally liable to Lac La Biche County for the reimbursement of such costs and/or expenses which will be a debt due to the County.

- 7.2 When costs and expenses are charged pursuant to paragraph 7.1, the costs and expenses shall be in accordance with the approved County's fee schedule, when applicable, plus any additional expenses incurred.
- 7.3 When a District Fire Department responds to an Incident and it is a False Alarm and does not require a response, the person responsible for initiating the call may be billed at the discretion of the County Administration, in which case, the amount billed will be a debt due to the County.
- 7.4 If anyone refuses or fails to pay an account issued pursuant to paragraphs 7.1 or 7.3 hereof, and the account is in arrears for sixty (60) days or more, the County may recover the costs as a debt due to the County, or, at the County's option, if authorized by statute, may add the amount to the tax roll, charging the land therefore and collect it in the same manner as taxes due.
- 7.5 In the event that anyone disputes the issue of or the amount of an account issued to them under paragraphs 7.1 or 7.3 hereof, they shall have a period of thirty (30) days from the date of mailing of the account to file a written appeal of the account with the CAO of the County and Council shall, as soon as is reasonably practical thereafter, consider the appeal and render a decision, which decision shall be final and binding and shall not be subject to any further appeal.

Section 8 – Prohibitions

- 8.1 No person at an Incident shall impede, obstruct or hinder a Member of the Fire Department or other person assisting or acting under the direction of the Fire Chief, a District Fire Chief or a Member in charge of an Incident.
- 8.2 No person shall enter the boundaries or limits of an area prescribed in accordance with paragraph 6.12, unless he has been authorized to enter by the Fire Chief, a District Fire Chief or the Member in charge.
- 8.3 No person shall damage or destroy Fire Department Apparatus or Equipment.
- 8.4 No person at an Incident shall drive a vehicle over any Equipment without permission of the Fire, Chief, a District Fire Chief or the Member in charge.
- 8.5 No person shall obstruct a Member from carrying out his or her duties pursuant to this Bylaw.
- 8.6 No person shall falsely represent themselves as a District Fire Department Member or wear or display any Fire Department or District Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

- 8.7 No person shall obstruct or otherwise interfere with access roads, streets or other approaches to any fire alarm, fire hydrant, cistern or body of water or any connections provided to a fire main, pipe, standpipe, sprinkler system, cistern or other body of water.
- 8.8 No person shall intentionally make or cause to be made a False Alarm, whether or not the Fire Department responds or attempts to respond to the same.

PART D FOREST AND PRAIRIE PROTECTION

Section 9 – Application of Bylaw

- 9.1 This Section applies to all land within Lac La Biche County, in the Province of Alberta insofar as it does not contravene the provisions of the FPPA or Section 75 of the MGA, or their successors. For greater certainty, but not so as to restrict the generality of the foregoing, this Bylaw does not apply to:
- a. land within the boundaries of a village, town or city; or
 - b. lands controlled by Alberta Sustainable Resources as part of a Forest protection Area (for Wildland Fire Protection only).
- 9.2 Fire Season –The season will mirror the Alberta Government Department responsible for the Forest and Prairie Protection Act (FFPA) permitting of each year in regard to all outdoor fires on, in or under lands within the County to which this Bylaw applies, unless specifically excepted by this Bylaw.

Section 10 – Procedural Guidelines

- 10.1 The Council may, by resolution adopt and/or amend procedural guidelines, from time to time, with respect to the Administration of this Bylaw, the most recent copy of which shall be attached to and be identified as Schedule “A” of this Bylaw.

Section 11 – Delegation of Powers

- 11.1 The Council shall, prior to January 1st in each year, or at such other time as Council may deem appropriate, by resolution, appoint area Fire Guardians to administer specified provisions of this Part. Council shall appoint a Member or Members of the County Administration as Fire Guardians to direct appointed area Fire Guardians within Lac La Biche County and perform duties in their absence. Fire Guardians shall be appointed specifically for an area indicated in their appointment.
- 11.2 A Fire Guardian may, delegate all or part of his authority under this Bylaw or under the FPPA, from time to time, to any County employee, approved by the Manager of Protective Services, either in relief or due to Emergency, or to efficiently and effectively carry out the work.

Section 12 – Controlling of Fires and Fire Hazards

- 12.1 The owner or the person in control of any property on which there is a fire or Fire Hazard which is not an Emergency shall report it forthwith to the County Administration or a Fire Guardian. Upon

being informed or otherwise discovering the circumstances noted, a Fire Guardian shall forthwith report the matter to the County Administration. An Emergency situation shall be reported to the Fire Department through E-9-1-1.

- 12.2 If the County Administration or a Fire Guardian finds within the County's boundaries, conditions that in his opinion constitute a Fire Hazard, he may order the owner or the person in control of the land on which the Fire Hazard exists (see Form 1, attached hereto as part of Schedule "A") to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the County Administration.
- 12.3 When the County Administration or a Fire Guardian finds that the order it made pursuant to paragraph 12.2 has not been carried out, or is not being carried out expeditiously, they/he may enter on the land with any Equipment and men considered necessary and may perform the required work.
- 12.4 The owner or the person in control of the land on which work was performed pursuant to paragraph 12.3 shall on demand reimburse the County for the cost of the work performed and in default of payment, the County may add the cost of the work to the tax roll of the land.
- 12.5 In the even that a fire is causing a health hazard by producing smoke for any long period of time, notwithstanding issuance of a permit, a Fire Guardian may require that the fire be extinguished. However, anyone who alleges that an outdoor fire is causing a health hazard must produce to the County Administration a doctor's letter to that effect.

Section 13 – Fire Fighting

- 13.1 Should a Fire Guardian discover or otherwise become aware of an Emergency or a fire or Fire Hazard that has escalated into an Emergency, the Fire Guardian shall forthwith call E-9-1-1 for Fire Department or any other Emergency assistance.
- 13.2 The County Administration may, of their own accord or in co-operation with a District Fire Department or other Emergency services, subject to the provisions of Section 24 herein commandeer and authorize payment for the possession or use of any Equipment for the purpose of fighting a fire.

Section 14 – Outdoor fires

- 14.1 During the Fire Permit Season no person shall light, cause to be lit, maintain or allow an outdoor fire on land to which this Bylaw applies unless that person is the holder of a subsisting Fire Permit.
- 14.2 During a Fire Permit Season no person shall light, cause to be lit, maintain or allow any outdoor fire that is not authorized by a permit issued to him on land that is
 - a. subject to this Bylaw; and
 - b. owned or occupied by him, or under his control.

- 14.3 A person who during a fire season knows or has reason to believe that there is an outdoor fire, not authorized by a permit issued to him, on land that is within a permit area that is owned or occupied by him, or under his control, shall
- a. extinguish the fire; or
 - b. if he is unable to extinguish the fire, immediately report the fire to the County Administration, a Fire Guardian, a Member of the Royal Canadian Mounted Police or to the E-9-1-1 Service.
- 14.4 This section 14 does not apply to an outdoor fire that:
- a. is attended and has been lit for cooking or warming purposes;
 - b. is a flare stack used in the petroleum industry; or
 - c. is allowed by regulation pursuant to the FPPA.
- 14.5 Outdoor fires, unless excepted by paragraph 14.4 hereof, shall not be permitted in a residential subdivision with lots under five acres in size, or in hamlets.

Section 15 – Prohibitions

- 15.1 No person shall:
- a. light, cause to be lit, maintain or allow an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
 - b. light, cause to be lit, maintain or allow an outdoor fire when weather conditions are conducive to a fire readily escaping out of control;
 - c. fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than his own;
 - d. deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire;
 - e. conduct any activity that involves the use of fire or that might reasonably be expected to cause a fire, unless he/she exercises reasonable care to prevent a fire from occurring; or
 - f. light or cause to be lit a fire on lands owned or controlled by the County except with the County's express written consent or in specifically designated or approved areas.

Section 16 – Fire Permits

- 16.1 A Fire Guardian may, at his discretion, issue to an applicant a Fire Permit in respect of any land to which this Bylaw applies within the boundaries of the area for which he was appointed. In issuing a permit, a Fire Guardian shall give due consideration to the “procedural guidelines” noted in Schedule “A” attached hereto, which guidelines may be amended from time to time by Resolution of Council.
- 16.2 A Fire Permit is valid only for the period for which it is issued.
- 16.3 A Fire Guardian issuing a Fire permit may endorse on the permit any special fire control conditions with which the applicant must comply in addition to those standard conditions noted thereon.

Section 17 – Suspension or Cancellation of Fire Permit

- 17.1 A Fire Permit may be suspended or cancelled at any time by a Fire Guardian, who shall immediately communicate the suspension or cancellation to the person to whom the permit was issued, and the County Administration. On receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his permit.
- 17.2 Should a Fire Guardian be unsatisfied with the efforts observed in complying with a permit, or the suspension or cancellation thereof, or meet with opposition from the owner and/or the person in control of the land, a Fire Guardian shall forthwith notify the County Administration who will initiate whatever actions are necessary to enforce the provisions of this Bylaw.

Section 18 – Fire Control Orders

- 18.1 For the purpose of fire control the Council by resolution, or the CAO or the Manager of Protective Services, may issue an order to:
- a. suspend or cancel all Fire Permits within any part or all of the County;
 - b. prohibit the lighting, or require the extinguishing of any outdoor fire set other than under authority of a Fire Permit; or
 - c. provide special conditions for outdoor fires set due to weather or safety conditions.
- 18.2 An order made pursuant to paragraph 18.1 shall be immediately published at least twice a day for not less than two (2) consecutive days by a radio or television station, or through such other means of communication that is considered by the County to most likely bring the matter to the attention of the public.
- 18.3 In an area affected by an order made pursuant to paragraph 18.1, every person shall immediately comply with the order. Without restricting the generality of the foregoing, where such an order requires that fires be extinguished all persons shall extinguish all outdoor fires lit by them, or under their authority, and shall extinguish all outdoor fires on land owned or occupied by them.

Section 19 – Entry on Lands and Premises

- 19.1 The County Administration or a Fire Guardian may without a warrant enter on any land and premises for the purpose of discharging its duties under this Bylaw or the FPPA, or the regulations.

Section 20 – Investigation of Cause of Fire

- 20.1 The County Administration, or its designate, may investigate the cause, origin or circumstances of any fire, Fire Hazard or Incident.

- 20.2 Without limiting paragraph 20.1, a person making an investigation under paragraph 20.1 may, without a warrant, for the purposes of the investigation:
- a. enter on any land or premises at any reasonable time, accompanied by any person or bringing with him anything that he considers would be of assistance in making the investigation;
 - b. perform or have performed any tests he considers necessary on the land or premises or anything on them; and
 - c. remove anything from the land or premises
 - i) that is reasonably pertinent to the matter under investigation; or
 - ii) that the investigator considers, on reasonable and probable grounds, is or may be evidence of the commission of an offence against this Bylaw, the FPPA, or the MGA.
- 20.3 The investigator shall, on or before the completion of the investigation, return to the person entitled to it anything removed under paragraph 20.2 unless:
- a. it is required as evidence in a prosecution arising out of the investigation; or
 - b. for any other reason it is impossible or impractical to return it.
- 20.4 The investigator shall, if so requested, produce to the person owning or in charge of the land or premises or of anything being tested or removed under paragraph 20.2 evidence of his appointment or authorization.
- 20.5 If entry by the investigator or any other person referred to in paragraph 20.2, on the land or premises is refused, the investigator may make an application to Court, and if it appears to the Court, that there are reasonable and probable grounds for believing that entry is needed for the purposes of ensuring a proper investigation under this section, the Court may issue a warrant or order authorizing the investigator and any other person, by force if necessary, to:
- a. enter the land or premises; and
 - b. perform any other activity referred to in paragraph 20.2, or otherwise allowed by statute.
- 20.6 Before exercising any powers under subparagraphs 20.2(b) or (c), an investigator shall make reasonable efforts to obtain the co-operation of the owner or person in charge of the land or premises.
- 20.7 In this section 20, "land or premises" includes vehicles and buildings, whether affixed to the land or not, but does not include a private dwelling.

Section 21 – Recovery of Costs Under this Bylaw or the FPPA

- 21.1 Any person described in paragraphs 7.1 or 7.3 hereof, shall, on demand, reimburse the County for the costs or expenses of fighting or extinguishing a fire, responding to an Incident, providing Fire Services, or removing or reducing a Fire Hazard.
- 21.2 The County may collect any costs or expenses incurred by it which are subject to recovery pursuant to this Bylaw or the FPPA, or where authorized by statute to do so, by adding the amount

of any outstanding amounts to the tax roll of the lands and recovering the same as taxes due, or by any other method prescribed by law.

Section 22 – Prohibition of Damages

- 22.1 Unless authorized by the County Administration, no person shall, except in an Emergency, use, damage, destroy or remove any sign, tool, Equipment, material or structure left, situated or erected by the County pursuant to this Bylaw.

Section 23 – False statements

- 23.1 No person shall make a false statement in any document required under this Bylaw.

PART ECOORDINATED ACTIVITIES

Section 24 – Forest & Prairie Incidents

- 24.1 When a forest and prairie Emergency occurs, and both a Fire Guardian and a District Fire Chief, or their delegates, have responded, they shall work together in coordinating resolution of the Emergency. The District Fire Chief shall assume charge unless it is mutually agreed otherwise. The other person shall provide whatever degree of advice, support, information and assistance that is at his disposal.

PART F GENERAL MATTERS

Section 25 – Offences and Penalties

- 25.1 Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing or omits any act or thing in contravention of or in violation of any of the provisions of this Bylaw, is guilty of an offence.
- 25.2 Nothing in this Bylaw shall be deemed to authorize any fire, burning or other act which is in contravention of the *Environmental Protection and Enhancement Act*, R.S.A. 2000 C. E-12, the *Alberta Safety Codes Act*, R.S.A. 2000 c. S-1 or the *Forest and Prairie Protection Act*, and any amendments thereto, or any regulation made thereunder, and in the event of any conflict between the provisions of this Bylaw and the said Act(s) or Regulation(s), the provisions of the said Act(s) or Regulation(s) shall govern.
- 25.3 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable and probably grounds to believe has contravened any provision of this Bylaw. A Violation Tag may be issued to such person:
- a. either personally; or
 - b. by mailing a copy to such person by Registered mail at his last known post office address.

- 25.4 The Violation Tag shall be in a form approved by Lac La Biche County and shall state:
- a. the name of the person;
 - b. the offence;
 - c. the appropriate penalty for the offence as specified in this Bylaw;
 - d. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - e. any other information as may be required by Lac La Biche County.
- 25.5 Any person who contravenes or fails to comply with this Bylaw, any Permit, any condition on a Permit, or with any Order or request directed to him pursuant to this Bylaw, is guilty of an offence and liable, upon the issuance of a Violation Tag, to pay:
- a. a fine of \$300.00 for a first offence;
 - b. a fine of \$500.00 for a second offence within any one year period; and
 - c. a fine of \$1,000.00 for a third, or subsequent, offence within any one year period.
- 25.6 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues;
- 25.7 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 Lac La Biche County the penalty specified on the Violation Tag;
- 25.8 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for mandatory Court appearance of any person who contravenes any provision of this Bylaw.
- 25.9 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended in respect to any contravention or failure to comply with this Bylaw, or any permit or condition of a permit issued pursuant to this Bylaw.
- 25.10 If the penalty specified on a Violation Tag is not paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 25.11 Any person who contravenes or fails to comply with this Bylaw, any Permit, or any condition on a permit, or with any Order or request directed to him pursuant to this Bylaw, is guilty of an offence and liable, upon the issuance of a Violation Ticket, to pay a fine of not less than \$300.00 and not more than \$10,000.00.
- 25.12 In addition to any fine imposed pursuant to this Bylaw, the Court may order the convicted person to reimburse the County for the costs or expenses, as a debt to the County.

Section 26 – Liability of County Representatives

26.1 Fire Chiefs, Members or officers of the Fire Department, Fire Guardians or their delegates, or any County official or employee, including the CAO, Manager of Protective Services, or Members of Council, acting in good faith in the discharge of their duties pursuant to this Bylaw, shall not render themselves liable personally, and are hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act or omission, taken or made, or not taken or made pursuant to in the discharge of their duties, responsibilities or jurisdiction pursuant to this Bylaw.

Section 27 – Fire Control Agreements

27.1 The Council may enter into a fire control agreement

- a. With any person;
- b. With any other municipality;
- c. With the Province of Alberta in respect of Crown land in or adjacent to the County; and
- d. With any Métis Settlement, Indian Band, or other authority with jurisdiction in regard to land adjacent or contiguous to the County.

Section 28 – Interpretation

28.1 All sections of this Bylaw are separate and severable. Should any Part, Section, paragraph or subparagraph of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining Parts, Sections, paragraphs and subparagraphs shall remain valid and in full force and effect.

28.2 In this Bylaw the masculine shall also mean the feminine, and the singular, the plural, and vice-versa, as the context may require.

Section 29 – Repeal and Coming into Effect

29.1 Bylaw 08-020 of Lac La Biche County is hereby repealed upon this Bylaw coming into effect.

29.2 This Bylaw shall come into effect upon third and final reading and signature hereof.

MOTION BY COUNCILLOR UGANECZ THAT BYLAW 12-006 BE GIVEN FIRST READING THIS 10TH DAY OF APRIL, 2012.

MOTION BY COUNCILLOR PIQUETTE THAT BYLAW 12-006 BE GIVEN SECOND READING THIS 10TH DAY OF APRIL, 2012.

Originally Signed by Peter Kirylichuk
Mayor

Originally Signed by Barry Kolenosky
Chief Administrative Officer

MOTION BY COUNCILLOR NOWAK THAT BYLAW 12-006 BE GIVEN THIRD READING THIS 8TH DAY OF OCTOBER, 2013.

“Original Signed” _____
Mayor

“Original Signed” _____
Chief Administrative Officer

Schedule "A"
LAC LA BICHE COUNTY
FIRE PERMIT ISSUANCE
PROCEDURAL GUIDELINES

Permit Boundaries

- Lac La Biche County Fire Guardians are authorized to issue permits within the boundaries of Lac La Biche County with the exception of the Forest Protection Area.
- Areas within the Forest Protection Area require permits issued by Alberta Sustainable Resource Development.

Permit Period

- The fire permit season will mirror the Alberta Government Department responsible for the Forest and Prairie Protection Act (FFPA) permitting of each year.

Guardians

- Fire Guardians shall be appointed annually for the period from January 1 – December 31 or as directed by the Manager of Protective Services, or designate.
- The Manager of Protective Services, or designate shall be responsible for co-ordination of the Fire Guardians and for reporting back to Lac La Biche County Council on conditions and status reports as required. All appointed Fire Guardians shall direct their inquiries to the Manager of Protective Services, or designate.
- Fire Guardians must report all permits issued to the Lac La Biche County Office at 623-1747. This information will then be forwarded to Alberta Forestry and the respective District Fire Department within Lac la Biche County. Reporting should be done each morning.
- The guardian is authorized to perform all or any of the duties of Lac La Biche County as outlined in the Forest & Prairie Protection Act, as amended.
- Remuneration for appointed Fire Guardians shall be as per County policy.

Site Inspection

- Prior to issuing a Fire Permit, the Fire Guardian shall conduct a site inspection, so they are fully aware of the circumstances on site. If the Fire Guardian determines the site to be unsafe or material being burned contravenes any regulations, the Fire Guardian shall not issue a permit.

Safety Hazards

If it is suspected that a fire may cause smoke that could result in a traffic hazard on:

- Alberta Provincial Highways, the permit holder must contact the nearest Highway Maintenance office and advise personnel accordingly.
- Local Roads, the permit holder must advise the County's Public Works Department and pick up road signage, and place accordingly on the roads affected prior to setting the fire. In the event that a landowner fails to pick up signs and place, or sets a fire without proper signage, and Public Works Department becomes aware of the situation and the Public Works Department may set up the necessary signs on roads affected due to a Fire Hazard and all costs of such actions will be borne by the Landowner and collected in accordance with the provisions of the Municipal Government Act (MGA), RSA as amended from time to time.

- If it is suspected that a fire may cause smoke that could result in an air traffic hazard in the vicinity of the Lac La Biche Airport the permit holder must advise and/or obtain approval from Lac La Biche County Administration.

Cancellations

- Fire Guardians and/or the Manager of Protective Services or designate can cancel any one or all permits at any time when they judge conditions to be unsafe for burning.

Points for Consideration in Issuing a Fire Permit:

- Be informed on current and future weather conditions.
- Be familiar with the Forest & Prairie Protection Act, related Regulations, the County's Fire Protection Bylaw and generally accepted burning practices for burnable materials.
- Be aware of conditions where it would be unwise to permit the burning of straw and stubble.
- Be aware of the circumstances that could result in unnecessarily exposing residents of the burn area to excessive amounts of smoke and odor.
- Be aware if the circumstances that could severely restrict visibility on public roadways, railroad crossing and near airports.
- Attach conditions to the Fire Permit(s) that clearly define the conditions under which the burn is to take place.
- Be informed of pending or imminent permit restrictions and bans.

Burning Barrels

Issue permits only under the following conditions:

- Ignition time: After 1800 hours DST
- Low to moderate Fire Hazard
- Low to moderate wind factor
- Adequate water source on site
- Adult supervision of fire sets

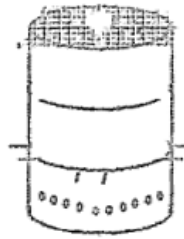
Burnable Debris

- (a) Straw and stubble;
- (b) Grass and weeds;
- (c) Leaves and tree pruning;
- (d) Brush and fallen trees on newly cleared land or associated with logging operations;
- (e) Used power, telegraph and telephone poles that do not contain wood preservatives;
- (f) Wooden materials, which do not contain wood preservatives from construction or demolition of buildings;
- (g) Solid waste from post and pole operations that do not contain wood preservatives;
- (h) Solid waste from tree harvesting operations;
- (i) Solid waste from sawmills and planing mills with an annual production of less than 9500 cubic meters of lumber.

Permitted burning barrel design
Obtain Fire Permit from local Authorities,
Or better yet, haul debris to local land fill site

Mesh size
Up to 12 mm (1/2")

Large stone or weight



Ground cleared and maintained for 3
m (10 ft)

Draftholes not larger than
12 mm (1/2")

Steel or rods or pipe through barrel to
assist burn

Prohibited Debris

- (a) Animal manure;
 - (b) Pathological waste;
 - (c) Non-wooden material;
 - (d) Waste material from building or construction sites; excluding wooden materials that do not contain wood preservatives;
 - (e) Combustible materials in automobile bodies;
 - (f) Tires;
 - (g) Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, plastic attached to shredded scrap steel;
 - (h) Used oil;
 - (i) Solid waste from sawmills or planing mills with an annual production in excess of 9500 cubic meters or lumber;
 - (j) Wood or wood products containing substances for purposes of preserving wood.
- A burning barrel permit can be issued on a season long permit, however can be cancelled from time to time at the discretion of the Fire Guardian due to adverse weather conditions.

Spring Grass, Yard and Meadow Burning:

Issue permits only under the following conditions:

- Ignition time: After 1800 hours DST
- Low to moderate Fire Hazard
- Low to moderate wind factor
- Adequate water source on site
- Adult supervision of fire sets

Conditions of Permit:

- Suggest not issuing for more than five days with a two-day maximum time for ignition. This is advisable so as to eliminate drastic changes in weather and Fire Hazards, which can occur in Spring.
- When snow adjacent to forest cover is gone; the field, meadow, etc. on burn site must have natural man-made fuel breaks (such as plowed fields, roads) or construction of fireguard must be considered.
- Fire must be extinguished prior to permit expiring.

Range Improvement in Standing Forest Cover by Burning:

- A Fire Permit may be issued for improving range with the use of fire, providing an adequate burn plan is provided. The Fire Guardian will consider weather factor, groundcover, and standing forest cover to be burnt in all such applications.

Permits for Piles, Re-burn Piles and Windrows:

- Permits for piles and windrows shall not be issued until after spring green-up. Issue permits under the following conditions:
- Ignition after 1800 hours DST
- Low to moderate Fire Hazard
- Acceptable fire guard
- Wind less than 15 km/hour
- Adequate water source on site
- Adult supervision of fire sets

Additional Conditions to consider:

- A maximum ten-day permit limit is suggested with three-day time frame for ignition. Three-day weather forecast must not indicate any strong winds or long drying trend.
- Windrows and brush piles must have been piled according to Forest and Prairie Regulations, on distance and spacing (see "Windrow Construction Directions", following).
- Permits may not be issued if the burn site has coniferous standing forest cover on the borders, and adequate separation distance is a concern.
- An adequate drying time should be allowed before brush is burned. Two years is recommended.
- A permit should not be issued and piles/windrows, etc. should not be burned when conditions are such that ground fires will occur.
- A permit should not be issued for burning of any type of fuel on peat type soil. (High in organic matter).
- General weather conditions and seasonal weather conditions must be taken into consideration when a permit is being considered for issuance. Particular attention must be given to potential for weather inversions occurring and trapping smoke near the ground in the spring or fall. Consider limiting the number of piles and/or windrows that may be burned at any one time. Co-ordination and scheduling of burning among property owners in a general area is recommended as well. Should conditions dictate, it may be necessary that no permits be issued for a period of time.
- Ignition patterns on windrow should be outlined, indicated number of rows or piles to be burned at one time and which ones to light first.
- Fire must be extinguished prior to permit expiring.
- It is recommended that all persons requesting a Fire Permit have adequate insurance coverage or add a fire fighting insurance endorsement to their homeowner's policy.

Windrow Construction Directions

- Not only is it important that windrows be constructed to meet provincial debris disposal regulations, properly constructed they will burn easier and cleaner.
- Try to eliminate as much dirt from the roots and pack windrows as tight as possible.
- It is suggested that where practical, windrows should run across the direction of the prevailing wind and each section should not be more than 200 feet in length.
- There should be a 50-foot fireguard break between the ends of rows and when they are running parallel to each other, there should be a 50-foot fireguard spacing between each windrow. A 75-foot fireguard break between windrows and any uncleared land is also required.

Reviewed on _____, _____
Date Year

LAC LA BICHE COUNTY

Order to Rectify Hazard

(Date)

(Name & Address)

(Legal Description of Subject Property)

Take notice that conditions dangerous to life, property or forest from fire or Fire Hazard have been found on the above land owned by you or under your control.

You are hereby ordered, pursuant to the Forest and Prairie Protection Act, and Regulations thereto and/or Lac La Biche County's Fire Protection Bylaw, to take such action as is necessary to rectify the hazard forthwith and in particular to:

(Describe details of work required):

(Date/Time by which Work is to be done):

Should you fail to rectify the hazard as specified herein, or fail to rectify the hazard expeditiously, the County may enter on the lands with any Equipment and men it considers necessary and may perform the required work. Upon demand, you shall be required to reimburse the County for the cost of the work performed and in default of payment the costs incurred by the County may be added to the tax roll of the referred lands.

LAC LA BICHE COUNTY

Signature of Authority

