

CITY OF ST. ALBERT

BYLAW 21/2002
Consolidated by Bylaw 29/2009

A bylaw being enacted for the purpose of continuing a Fire Department in and for the City of St. Albert.

WHEREAS Section 3 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 states that the purposes of a municipality include providing services that are in the opinion of Council necessary or desirable for the municipality and developing and maintaining safe and viable communities.

AND WHEREAS Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 allows a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and bylaws respecting services provided by the municipality.

AND WHEREAS the Council of the City of St. Albert wishes to continue the operation of the St. Albert Fire Department to provide for the efficient operation of fire and emergency medical services for the citizens of the City of St. Albert.

The Council of the City of St. Albert, duly assembled, ENACTS AS FOLLOWS:

Name of Bylaw

1. This Bylaw may be referred to as "The Fire Services Bylaw".

Definitions

2. In this Bylaw:

- (a) "Ambulance Service" means the provision of Emergency Medical Services or attention to a person and includes the transportation of that person to a hospital or other medical facility and the transportation of a person to a medical facility from a private residence or from a medical facility to a private residence. Ambulance Service does not include the transportation by vehicle of patients between health care facilities operated by the Capital Health Authority or any successor organization or authority;
- (b) "Apparatus" means any vehicle provided with machinery, devices, Equipment or materials for fire fighting or providing Emergency Medical Services, as well as vehicles used to transport Members or supplies;
- (c) "City" means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City;
- (d) "City Manager" means the chief administrative officer of the City of St. Albert;
- (e) "Council" means the municipal council of the City of St. Albert;
- (f) "Dangerous Goods" means any material or substance that may constitute an immediate or long-term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment, and shall include those products, substances and organisms that are covered by federal or provincial regulations dealing with the transportation of dangerous goods.
- (g) "Department" means the St. Albert Fire Department;
- (h) "Deputy Chief of Fire Prevention" means the Member appointed by the Fire Chief to be in charge of programs carried on by the Department dealing with Fire Prevention and Public Education;

- (i) "Deputy Chief of Operations" means the Member appointed by the Fire Chief to be in charge of managing Members, Department Apparatus and Equipment used during an Incident;
- (j) "Emergency Medical Services" means the provision of emergency pre-hospital medical care;
- (k) "Emergency Medical Services Coordinator" means the Member appointed by the Fire Chief to be in charge of the Members involved with, and Apparatus used in the provision of Emergency Medical Services;
- (l) "Equipment" means any tools, contrivances, devices, materials or supplies of any nature or kind used to respond to an Incident, provide Emergency Medical Services, used in any other emergency or used to carry out approved programs in non-emergency situations;
- (m) "False Alarm" means any fire alarm that is set off either deliberately, accidentally, or through human or mechanical error to which the Department has responded and determined that there is no fire, situation where a fire or explosion is imminent or any other situation presenting a danger to life or property;
- (n) "Fire Chief" means the Member appointed by the City Manager as head of the Department;
- (o) "Fire Protection" means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and training for emergency preparedness;
- (p) "Incident" means a fire, a situation where a fire or explosion is imminent, any other situation or emergency presenting a danger to life or property to which the Department has responded and specifically includes the provision of Ambulance Services;
- (q) "Member" means any person who is a duly appointed member of the Department;
- (r) "Member in Charge" means the Member appointed by the Fire Chief to be in charge of and direct Department responses to Incidents for any given shift or for any particular Incident;
- (s) "Residential Fire Pit" means a fire containing device including, but not limited to, chimineas;
- (t) "Tank Work" means the placement, installation, erection, dismantlement, destruction or removal of a tank used for the storage of gasoline or any other flammable products, whether above or under ground.

Fire Chief and Deputy Fire Chief

- 3. (1) The Fire Chief is accountable to the City Manager.
- (2) The Fire Chief has all the powers, duties and functions delegated to the Fire Chief by Council in this or any bylaw, resolution, policy or procedure.
- (3) The Fire Chief is responsible for the proper administration and operation of the Department. Those activities for which he or she is responsible shall include but will not be limited to:
 - (a) Fire Protection; and
 - (b) Emergency Medical Services.

(4) The Fire Chief shall be responsible for the enforcement of the Safety Codes Act, R.S.A. 2000, c. S-1, as amended from time to time and any successor legislation related to Fire Protection.

(5) The Fire Chief has the authority to delegate any of the powers, duties or responsibilities given to him or her under this Bylaw to any other Member and may authorize the recipients of such delegations to further delegate to other Members the powers, duties or responsibilities given to them.

(6) The Deputy Chief of Operations shall be the Fire Chief's executive officer and shall carry out the orders of the Fire Chief and, in the absence of the Fire Chief, shall possess all the powers and perform all the duties of the Fire Chief.

(7) The Member in Charge shall have control, direction and management of all Apparatus, Equipment and Members assigned to an Incident and shall continue to exercise such control, direction and management until the Member in Charge transfers the control, direction and management of the Incident to a Member of equal or higher rank or until relieved by a Member of an equal or higher rank also appointed by the Fire Chief to be a Member in Charge.

(8) The Fire Chief, Deputy Chief of Operations or Member in Charge may, pursuant to any mutual aid agreements entered into between the City of St. Albert and any other municipality, call upon any Members, Equipment or Apparatus as he or she may deem necessary and as the circumstances may require to respond to a request for assistance.

Powers of the Fire Chief

4. (1) The term Fire Chief as used in this Section and Section 5 shall also include and mean the Deputy Chief of Operations or Member in Charge.
- (2) During an Incident, the Fire Chief may:
- (a) cause a building, structure or thing to be pulled down, demolished or otherwise removed if he or she deems it necessary to prevent the spread of fire to other buildings, structures or things;
 - (b) enter premises or property where an Incident occurs and cause any Member, Apparatus or Equipment to enter the premises or property, as he or she deems necessary, in order to combat, control or deal with the Incident;
 - (c) enter, pass through or over buildings or property and to cause Members, Apparatus and Equipment to enter or pass through or over buildings or property, where he or she deems it necessary to gain access to the Incident or to protect any persons or property;
 - (d) 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;
 - (e) request police officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 4(2)(d);
 - (f) request that all persons present at the Incident assist Members in such manner as such person shall be directed by the Fire Chief; and
 - (g) commandeer privately owned Equipment or Apparatus which he or she considers necessary to deal with an Incident.
- (3) The Fire Chief may obtain assistance from other officials of the municipality as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.

(4) The Fire Chief may impose conditions on any approval, permit or authorization under this Bylaw.

(5) Notwithstanding any other provision of this Bylaw, the Fire Chief may at any time impose a ban on some or all Permitted Fires within the City. Once imposed, such a ban shall remain in effect until lifted by the Fire Chief.

Prohibitions

5. (1) No person shall enter the boundaries or limits of an area prescribed in accordance with Section 4(2)(d) unless he or she has been authorized to enter by the Fire Chief.

(2) At an Incident, no person shall impede, obstruct or hinder a Member of the Department or other person assisting or acting under the direction of the Fire Chief.

(3) No person shall damage or destroy Apparatus or Equipment of the Department.

(4) No person at an Incident shall drive a vehicle over any Equipment without permission of the Fire Chief.

(5) No person shall obstruct a Member from carrying out duties imposed by this Bylaw.

(6) No person shall falsely represent themselves as a Member or wear or display any Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

(7) No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for fire fighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.

(8) No person shall set any fire out of doors to burn or shall burn in any fire out of doors in the City any kitchen garbage, construction material or materials made of or containing rubber, plastic, tar or other materials that create noxious smoke or fumes when burnt.

(9) No person shall set any fire out of doors within the City unless the fire is specifically permitted by Section 6 of this Bylaw.

(10) No person shall set a fire in an area where it may spread.

(11) No person shall operate an Ambulance Service within the City without obtaining the prior written consent of the Fire Chief.

(12) No person shall sell or use fireworks in the City without the written permission of the Fire Chief.

(13) No person shall tamper with, damage or destroy a fire hydrant, fire main, pipe, stand pipe or fire department connections.

(14) No person shall set a fire that has been prohibited by a fire ban imposed by the Fire Chief.

Permitted Fires

6. (1) Subject to Section 6(2) the following fires shall be permitted within the City of St. Albert:

- (a) a fire in a charcoal or gas barbecue (BBQ) or similar metal or masonry container which has been certified for use by an accredited testing agency, while being used for the cooking of food for human consumption provided that such fire is not on a balcony of a building;
 - (b) a fire in a propane barbecue (BBQ) on the balcony of a building, notwithstanding Section 6(1)(a), provided that the capacity of the propane cylinder supplying gas to the BBQ is no more than five (5) pounds and the cylinder is not connected to other propane cylinders;
 - (c) an open flame in an appliance being used for the heating of pitch or asphalt;
 - (d) an open flame in an appliance being used for construction or maintenance;
 - (e) a fire for cooking or warmth in an approved Residential Fire Pit;
 - (f) a fire set by the Department in training areas approved by the Fire Chief for the purpose of training or testing Equipment or Apparatus;
 - (g) a fire set by a fire Equipment or Apparatus manufacturer or his agent for the purpose of demonstrating fire fighting Equipment or Apparatus in an area approved by the Fire Chief and with Department personnel present;
 - (h) a fire in an incinerator which has been licensed pursuant to applicable legislation;
 - (i) a fire in a fireplace within or attached to dwellings constructed in accordance with applicable legislation;
 - (j) a fire for thawing or heating building materials provided such fire is set in a location that does not endanger the structure or building materials;
 - (k) a fire for the burning of brush within the City with the prior permission of the Fire Chief and only in locations and at the times approved by the Fire Chief; and
 - (l) a fire in a fire containing device, approved by the Fire Chief, located within a City-owned park.
- (2) No fire described in Section 6(1) is permitted unless it is attended by a person competent to supervise it.
- (3) Notwithstanding that a fire may be one of the types of permitted fires described in Section 6(1), the Fire Chief or Member in Charge may require that the fire be extinguished if, in the opinion of the Fire Chief or Member in Charge, the fire creates a hazard or nuisance.

Environmental Protection and Enhancement Act

7. 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 and amendments thereto, or any regulation made thereunder, and in the event of any conflict between the provisions of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

Residential Fire Pits

8. (1) No person shall construct, install or erect a Residential Fire Pit without first obtaining a permit from the Fire Chief.

(2) Notwithstanding that a proposed location of a Residential Fire Pit complies with the separation distances specified in Section 8(3), the Fire Chief has absolute discretion in determining whether or not to issue a permit for a Residential Fire Pit.

(3) A permit for a Residential Fire Pit will not be approved unless the Residential Fire Pit is:

- (a) no less than forty-five (45) centimetres in height;
- (b) no greater than sixty-one (61) centimetres in inside diameter;
- (c) made of metal, rock, concrete or cured or fired ceramic or clay or other non-combustible material;
- (d) in the rear yard of a residential property;
- (e) no less than three (3) metres from all property lines;
- (f) no less than three (3) metres from any structure made of or containing combustible materials (including but not limited to: decks, fences, garages, sheds, houses, play structures and benches);
- (g) no less than three (3) metres from any trees or shrubs;
- (h) on a base of gravel or concrete that is ten (10) or more centimetres greater in size than the outside of the fire containing device; and
- (i) equipped with a metal spark arrestor or other metal screening with a maximum hole size of seven (7) millimetres.

(4) For the purposes of Section 8(3) the separation distances shall be measured in both a horizontal and vertical direction.

(5) The Fire Chief may issue a permit for a Residential Fire Pit even if the proposed Residential Fire Pit does not meet the specifications set out in Section 8(3) if, in the opinion of the Fire Chief, the proposed location and/or design of the Residential Fire Pit would not pose a hazard to surrounding property, combustible materials, trees or shrubs.

(6) To obtain a permit for a Residential Fire Pit a person must submit to the Fire Chief, a design drawing of the proposed installation and placement of the Residential Fire Pit including details as to the composition of the device, size and composition of the base, and separation distances from property lines, combustible materials, trees and shrubs.

(7) The Fire Chief may at any time enter onto private property to inspect a Residential Fire Pit that exists on the property, whether or not a permit has been issued for the Residential Fire Pit.

(8) The Fire Chief may at any time revoke a permit for a Residential Fire Pit if, in the opinion of the Fire Chief, the continued use of the Residential Fire Pit could pose a hazard.

Tank Work

9. (1) No person shall undertake Tank Work without first obtaining a permit from the Fire Chief.

(2) To obtain a permit for Tank Work a person must:

- (a) pay the fee specified in Schedule "A" to the Fire Chief;
- (b) provide the Fire Chief with a detailed drawing showing the location of the proposed Tank Work; and

- (c) provide the Fire Chief with a detailed work plan indicating specifically:
 - (i) how and when the tank will be installed or removed, and
 - (ii) what safety precautions will be implemented in handling the flammable tank contents.
- (3) No person shall fill an excavation into which an underground storage tank has been placed without having first obtained an inspection clearance, in writing, from the Fire Chief.
- (4) No person shall remove an underground storage tank from an excavation without having first obtained an inspection clearance, in writing, from the Fire Chief.

Recovery of Cost

- 10. (1) When the Department has taken any action including but not limited to responding to an Incident, providing Ambulance Service, responding to a False Alarm, inspecting a building or site, attending at a motor vehicle accident, or hiring the services of external fire consultants or dangerous goods clean-up teams, the Department may recover costs incurred in taking the action against the person requesting the action, the person whose actions necessitated the action by the Department, or the owner or occupant of the land or property with respect to which the action was taken.
- (2) The decision to recover the costs or fees for actions taken by the Department shall be made by the Fire Chief. Upon determining that costs or fees are to be recovered for actions taken by the Department, the Fire Chief shall issue an invoice for such costs or fees to the person requesting the action, the person whose actions necessitated the action by the Department, or the owner or occupant of the land or property towards which the action was taken, as the case may be.
- (3) The schedule of costs to be recovered or fees to be charged by the Department for actions taken shall be as set out in Schedule "A" to this Bylaw.
- (4) In respect of the costs to be recovered or fees to be charged by the Department pursuant to this Section the City may:
 - (a) recover such costs or fees as a debt due and owing to the City; or
 - (b) in the case of costs or fees charged as a result of extinguishing fires on land within the City and buildings or structures on that land, the costs or fees, if not paid by the owner or occupant upon demand for payment by the City, may be charged against the land as taxes due and owing in respect of the land.

Penalties

- 11. Any person who:
 - (a) contravenes or fails to comply with any provision in Section 5 of this Bylaw; or
 - (b) who refuses or neglects to comply with any condition as imposed by the Fire Chief under Section 4(4),

is guilty of an offence and is liable on conviction to a fine of not more than \$10,000.00 and in default of payment to imprisonment for a term of not more than twelve (12) months.

- 12. Any person who contravenes Sections 8(1), 9(1), 9(3) and 9(4) is guilty of an offence and shall pay a penalty as set out in Schedule "A" to this Bylaw.

Indemnification

13. (1) The City shall indemnify and save harmless any Member, acting in good faith and without malice, from any and all actions, causes of actions, claims and demands arising out of any act or omission made by him or her while he or she was engaged in the exercise of his or her duties and responsibilities under this Bylaw.
- (2) The City shall undertake to defend any action or suit brought against a Member for whom indemnification is allowed under Section 13(1) of this Bylaw.

Severability

14. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

Repeal of Bylaw 34/83

15. Bylaw 34/83, the City of St. Albert Fire Bylaw, and any amendments thereto, are hereby repealed.

Repeal of Bylaw 31/77

16. Bylaw 31/77, the City of St. Albert Ambulance Bylaw, and any amendments thereto, are hereby repealed.

Amendment of Schedule "P" to Master Rates Bylaw

17. Bylaw 1/82, the Master Rates Bylaw, is hereby amended by deleting Sections 8, 9 and 10 of Schedule "P".

SCHEDULE "A" - TO BYLAW 21/2002
as amended November 30, 2009

COSTS AND FEES

**Application and Inspection Fees
(GST Taxable)**

SERVICE/ACTION	
Inspection Services (for Liquor Licenses, Occupant Load Certificates, Daycare or Day Home Certificates or Licenses)	\$54.00
Fire Code or Safety Code Compliance	
- Initial Inspection	No Charge
- 1 st Re-Inspection to determine if deficiencies are corrected	No Charge
- 2 nd and Subsequent Re-Inspections to determine if deficiencies are corrected	\$108.00 each Re-Inspection
Requests for Patient Care Reports	Eliminate
Record Searches	Eliminate
Under/Above Ground Storage Tanks	
- Permit to Install or Remove	\$81.00
- Inspection Clearance prior to Tank being buried	\$108.00
- Inspection Clearance prior to Tank being removed	\$108.00

**Cost Recoveries
(GST Taxable Excepting Ambulance Services)**

SERVICE/ACTION	
Hiring Fire Investigators or Consultants to facilitate Incident Investigations	Actual costs charged to the City for such services plus an administrative fee of \$54.00
Clean-up of Dangerous Goods Spills	Actual costs charged to or otherwise incurred by the City plus an administrative fee of \$54.00
False Alarm – at same site within a twelve (12) month period	
- 1 st and 2 nd False Alarm	Warning
- 3 rd	\$269.00
- 4 th	\$376.00
- 5 th and subsequent False Alarms	\$537.00 each
Response to Motor Vehicle Accidents	Actual costs of disposable Equipment plus an administrative fee of \$54.00
Response to Motor Vehicle Accidents - Provincial	Alberta Transportation Rates

**Cost Recoveries Continued
(GST Taxable Excepting Ambulance Services)**

Response to Structure Fires	Actual costs of disposable or rented Equipment or Apparatus plus an administrative fee of \$54.00
Public Education Programs	Actual cost of Materials and Equipment (disposable or rented) necessary to undertake the Program
Ambulance Services (GST Exempt) - for patients within a qualifying provincial program - for all other patients	Rates as set from time to time by the Minister or Deputy Minister of Alberta Health Rates as set from time to time by Alberta Blue Cross

**Penalties
(GST Taxable)**

OFFENCE	
- Having a fire in a Residential Fire Pit after the owner or occupant of the property on which the Residential Fire Pit is located has been advised by the Fire Chief that the Residential Fire Pit is not approved for use	\$81.00
- Failing to Notify Fire Chief of Tank Work	\$1,072.00
- Failing to Obtain Inspection Clearance Certificate(s)	\$537.00 per Clearance not obtained