

**MOUNTAIN VIEW COUNTY**

**BYLAW NO. 11/13, as Amended**

**Fire Bylaw**

**CONSOLIDATED February 22, 2017**

Note:

All persons making use of the consolidation are reminded that it has no legislative sanction, that the amendments have been embodied for convenience of reference only, and that the original bylaws should be consulted for all purpose of interpreting and applying the bylaw.

**Mountain View County  
Province of Alberta**

**Bylaw No. 11/13**

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A FIRE BYLAW WITHIN MOUNTAIN VIEW COUNTY**

Whereas the Municipal Government Act provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

Whereas the Forest and Prairie Protection Act 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 Mountain View County has been accredited by the Safety Codes Council in the Fire Discipline; and

Whereas the Council of Mountain View County wishes to establish fire protection services within Mountain View County and to provide for efficient operation of such fire protection services.

Whereas the Council of Mountain View County recognizes that it is not possible to provide the same level of fire protection services to all areas and persons within the County given limited resources, competing demands for resources, and the geographic size of the County.

Whereas Mountain View County has the authority to regulate fireworks within its jurisdiction, except that part of the county that is within a forest protection area, under the Municipal Government Act and the Alberta Fire Code. (Bylaw No. 06/17)

Now, Therefore, the Council of Mountain View County, Duly Assembled, Enacts as Follows:

**SECTION 1 - SHORT TITLE AND PURPOSE**

1.01 This bylaw may be cited as the “Fire Bylaw”.

**SECTION 2 - DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

2.01 **“Acceptable Fire Pit”** means an outdoor receptacle that meets the following specifications:

- a. A minimum of 3 metres clearance, measured from the nearest fire pit edge to the nearest edge of building, property line, or combustible material;
- b. A height not exceeding 0.6 metres when measured from the surrounding grade to the top of the pit opening;
- c. Equipped with a mesh screen with openings no larger than 6 millimetres secured in place with latches or weights;
- d. Enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials; and
- e. Not located over any underground utilities or under any aboveground wires.

- 2.02 **“Acceptable Fireplace”** means an outdoor receptacle that meets the following specifications:
- a. A minimum of 1 metre clearance measured from the nearest fireplace edge to the nearest edge of buildings, property line, or combustible material;
  - b. Constructed of materials such as bricks or rocks that are non-combustible;
  - c. Equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
  - d. A chimney equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
  - e. The base of the fire burning area is not less than 0.3 metres above the surrounding grade; and
  - f. The fire chamber does not exceed 1.25 metres in width, and is at least 0.4 metres but not more than 0.6 metres in depth.
- 2.03 **“Acceptable Burning Barrel”** means an outdoor receptacle that meets the following specifications:
- a. A minimum of 3 metres clearance measured from the nearest edge to a building, property line or combustible materials;
  - b. Equipped with a mesh screen with openings no larger than 6 millimetres secured in place with latches or weights;
  - c. Constructed of non-combustible material; and
  - d. Not located over underground utility services or under aboveground wires.
- 2.04 **“Barbeque”** means any appliance sold or constructed for the purpose of cooking food outdoors, and may be fueled by any source.
- 2.05 **“Burnable Debris”** means those materials permitted to be burned in accordance with the Alberta Environmental Protection and Enhancement Act, which include, but are not limited to:
- a. Straw and stubble;
  - b. Grass and weeds;
  - c. Leaves and tree pruning;
  - d. Brush and fallen trees on newly cleared land or associated logging operations;
  - e. Used power, telegraph and telephone poles, which do not contain wood preservatives;
  - f. Wood material from the construction or demolition of buildings, which does not contain wood preservatives;
  - g. Solid waste from sawmills or planing mills with an annual production of less than 6500 cubic metres of lumber;
  - h. Solid waste from post and pole operations which does not contain wood preservatives; or
  - i. Solid waste from tree harvesting operations.
- 2.06 **“Burning Hazard”** means an actual or potential occurrence of fire or other combustion of organic or inorganic material that could endanger human life or property.
- 2.07 **“Bylaw Officer”** means a Bylaw Enforcement Officer appointed by Mountain View County under section 555(1) of the Municipal Government Act.
- 2.08 **“Bylaw Tag”** means a ticket or similar document issued by the County pursuant to the Municipal Government Act.

- 2.09 **“Council”** means the Council of Mountain View County.
- 2.10 **“County” or “Mountain View County”** means the Municipality of Mountain View County in the Province of Alberta.
- 2.11 **“County Chief Administrative Officer ” or “CAO”** means that person appointed to the position and title by the Municipal Council of Mountain View County and includes any person appointed by the CAO to act as his appointee.
- 2.12 **“Dangerous Goods”** means any product, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the Transportation of Dangerous Goods Act.
- 2.13 **“District Fire Chief”** means the Fire Chief of any of the Local Fire Services within Mountain View County’s boundaries, including urban municipalities, howsoever appointed or his designate.
- 2.14 **“Emergency Unit”** means a fire truck, pumper truck, rescue truck, mobile command unit, brush truck, tanker, enforcement vehicle or other vehicle designated by Fire Services.
- 2.15 **“False Alarm”** means any fire alarm that is set off needlessly, through willful, accidental, human or mechanical error to which Fire Services responds.
- 2.16 **“Fire”** means any combustible material in a state of combustion, and includes hot ashes and smoldering embers.
- 2.17 **“Fire Ban”** means any order from the Province or from the CAO in accordance with Section 15 of this Bylaw which prohibits Fires in all or any part of the County.
- 2.18 **“Fire Dispatch”** means the 911 dispatch service used by the County for directing emergency calls related to Fire.
- 2.19 **“Fire Guardian”** means a person named, appointed or deemed a Fire Guardian pursuant to the Forest and Prairie Protection Act :
- 2.20 **“Fire Hazard”** means combustible material that, through its nature, location, condition or arrangement, or any combination of those factors, may ignite or be ignited and that, if it ignites or is ignited, could create a Burning Hazard. (Bylaw No. 06/17)
- 2.21 **“Fire Permit”** means a permit issued under the Forest and Prairie Protection Act
- 2.22 **“Fire Services”** means Mountain View County Fire Services, being a County department established pursuant to the laws of Alberta and the provisions of this Bylaw providing fire protection services to the County and includes all persons appointed or recruited to the various positions prescribed herein including volunteers, all equipment, apparatus, materials and supplies used in the provision of fire protection services and any and all Local Fire Services.
- 2.23 **“Fireworks Permit”** means a document issued by the Chief Administrative Officer pursuant to this Bylaw, in the form adopted by the County from time to time, authorizing the possession, handling, discharging, firing or setting off of Low Hazard Fireworks or High Hazard Fireworks

- 2.24 **“Fireworks Sale and Storage Permit”** means a document issued by the Chief Administrative Officer pursuant to this Bylaw, in the form adopted by the County from time to time, authorizing the sale or storage for the purpose of sale, of Low Hazard Fireworks.
- 2.25 **“Fireworks High Hazard”** means Fireworks listed in Class 7, Division 2, Subdivision 2, in Section 14 of the Explosives Act (Canada) and its Regulations and requires certification in accordance within the Explosives Act.
- 2.26 **“Fireworks Low Hazard”** means Fireworks listed in Class 7, Division 2, Subdivision 1 in Section 14 of the Explosives Act (Canada) and its Regulations and which are commonly referred to as “Consumer Fireworks”.
- 2.27 **“Forest Officer”** means a forest officer under the Forests Act;
- 2.28 **“Incident”** means a Fire, or a situation where a Fire or an explosion is imminent, or any other situation presenting a danger or possible danger to life or property and to which Fire Services may respond.
- 2.29 **“Local Fire Services”** means fire protection services provided to the County by a municipality within the boundaries of Mountain View County, including all persons appointed or recruited to the various positions prescribed herein including volunteers and all equipment, apparatus, materials and supplies used in the provision of fire protection services.
- 2.30 **“Member”** means any person who is a duly appointed Member of Fire Services whether that Member is full time, part time, paid or a volunteer.
- 2.31 **“Member in Charge”** means the Member delegated the power to manage and direct all apparatus, equipment and manpower at an Incident by the District Fire Chief.
- 2.32 **“Mountain View County Fire District”** means designated response areas for local Fire Services within Mountain View County as shown on attached Schedule B.
- 2.33 **“Open Fire”** means any fire which is not an acceptable Fire Pit Fire, or Burning Barrel Fire and which, without limiting the generality of the foregoing, may include grass fires, forest and brush fires, Running Fires, structure fires, building fires, stubble/straw fires, wood scrap fires, ground thawing fires and chattel fires.
- 2.34 **“Peace Officer”** means a Member of the Royal Canadian Mounted Police or an employee of Mountain View County who is appointed by the Province of Alberta as a Peace Officer with authority within Mountain View County.
- 2.35 **“Person”** means an individual, firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- 2.36 **“Prohibited Debris”** means any material that, when burned, will result in the release into the atmosphere of dense smoke or toxic air contaminants as defined in the Alberta Environment and Protection Enhancement Act and shall include, but are not limited to, the following:
- a. Animal cadavers;
  - b. Animal manure;
  - c. Chemicals and chemical containers;
  - d. Combustible material in automobiles;
  - e. Non-wooden material;
  - f. Paints and painting materials;

- g. Pathological waste;
  - h. Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
  - i. Solid waste from sawmills or planning mills with an annual production in excess of 6500 cubic metres of lumber;
  - j. Tires;
  - k. Toxic substances;
  - l. Used oil; or
  - m. Wood or wood products containing substances for the purposes of preserving wood.
- 2.37 **“Quality Management Plan (QMP)”** means the Fire quality management plan approved by County Council for providing Fire Protection Services within the County.
- 2.38 **“Recreational Campfire”** means a Fire lit and maintained for the purpose of cooking, warmth or social interaction, otherwise known as a campfire or bonfire and not contained in an Acceptable Fire Pit.
- 2.39 **“Safety Codes Officer”** means an individual who is accredited in the Fire discipline and has designation of powers in Mountain View County.
- 2.40 **“Running Fire”** means a Fire burning without being under the control of any Person.

### **SECTION 3 – SERVICES PROVIDED**

- 3.01 The service may be provided by Mountain View County Fire Services for the purposes of:
- a. Preventing and extinguishing Fires;
  - b. Investigating the cause of Fires in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;
  - c. Preserving life and property and protecting persons and property from injury or destruction by Fire;
  - d. Providing rescue services;
  - e. Preventing, combating and controlling Incidents;
  - f. Carrying out preventative patrols, pre Fire planning and Fire inspections in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;
  - g. Entering into agreements with other Municipalities or persons for the joint use, control and management of Fire extinguishing apparatus and equipment;
  - h. Purchasing and operating apparatus and equipment for extinguishing Fires or preserving life and property, in accordance with approved budgets; and
  - i. Enforcing the provisions of the Safety Codes Act and its regulations.
  - j. Promote fire safety and education.

### **SECTION 4 – DELEGATION OF AUTHORITY**

- 4.01 Council hereby delegates the following powers and authorities:
- a. A District Fire Chief or any Member acting in his position is authorized to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of Fire to other buildings, structures or things when responding to an Incident;
  - b. A District Fire Chief or any Member acting in his position is authorized to direct a Member to enter on any land or premises, including adjacent land or premises, to

- c. combat, control or deal with an Incident in whatever manner Fire Services, a District Fire Chief, or any other Member in charge at an Incident deems necessary; and
  - c. For the purpose of fire control, Fire Services or any Member may enforce a partial or total Fire Ban.
- 4.02 A District Fire Chief or any Member acting in his position who is a qualified Safety Codes Officer with Designation of Powers within the County, is hereby authorized to perform those duties and responsibilities outlined in the Quality Management Plan under the supervision of the CAO who is responsible for that Plan.
- 4.03 Each District Fire Chief shall establish Standard Operational Guidelines for the provision of Fire Protection and Emergency Response Services for his respective Fire Service which are consistent with this Bylaw and other applicable policies of the County.
- 4.04 Each District Fire Chief shall maintain and submit to the County on an annual basis:
- a. a record of all Fires and emergency responses attended by the Local Fire Service in a form prescribed by the County;
  - b. a record of all fire inspections carried out and actions taken on account of fire inspections according to the Quality Management Plan; and
  - c. any other records incidental to the operation of his department.
- 4.05 A District Fire Chief may obtain assistance from other officials of the County as he deems necessary in order to discharge his duties and responsibilities under this Bylaw and other applicable policies of the County.
- 4.06 A District Fire Chief shall be responsible for the use, care and protection of Local Fire Services property.
- 4.07 A District Fire Chief shall manage and administer the affairs of their respective Local Fire Services pursuant to this Bylaw and other applicable policies and agreements of the County.
- 4.08 A District Fire Chief may appoint-Members to the Local Fire Services.
- 4.09 A District Fire Chief may appoint one or more Members of the Local Fire Services to act as District Fire Chief in his absence for a period not to exceed thirty (30) days.
- 4.10 Members of the Local Fire Services shall be responsible to the District Fire Chief for the performance of their duties pursuant to this Bylaw and other applicable policies and agreements of the County and such other duties as may be assigned by the District Fire Chief from time to time.
- 4.11 The Member in Charge at an Incident in his Local Fire Services response area shall have control, direction and management of all apparatus, equipment and manpower assigned to that Incident and shall continue to act as the Member in Charge until relieved by another Member authorized to do so.
- 4.12 The Member in Charge shall be responsible for directing and managing the operations necessary for a volunteer Fire Service for fighting and extinguishing a Fire or controlling other emergency Incidents.
- 4.13 The Member in Charge shall take action as deemed necessary for preserving lives and property and protecting persons and property from injury or destruction from Fire and other emergency Incidents.

**SECTION 5 – FIRE GUARDIANS**

- 5.01 Each year in time for the beginning of the fire season , Council shall appoint a sufficient number of Fire Guardians, for a term not exceeding one year, with effect from the beginning of the fire season, in accordance with the provisions of the Forest and Prairie Protection Act to enforce the provisions of the Forest and Prairie Protection Act and this Bylaw within the boundaries of the County, except that part of the county that is within a forest protection area. (Bylaw No. 06/17)
- 5.02 The Reeve, Councillors and the CAO by virtue of their office are Fire Guardians for the County, except that part of the county that is within a forest protection area. (Bylaw No. 06/17)
- 5.03 Unless otherwise limited by this Bylaw, each Fire Guardian shall have the authority to:
- a. Enforce the provisions of the Forest and Prairie Protection Act and this Bylaw on any land within the County;
  - b. Require any able-bodied adult person, who is not exempted by the regulations of the Forest and Prairie Protection Act, to assist in fighting a Fire;
  - c. Commandeer and authorize payment for the possession or use of any equipment for the purposes of fighting a Fire;
  - d. At any reasonable time, without a warrant, , enter on any land and premises, except a private dwelling house, for the purpose of discharging his duties under this Bylaw or the Forest and Prairie Protection Act;
  - e. Prevent interference with the efforts of persons engaged in extinguishing a Fire or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of the Fire.

**SECTION 6 – CONTROL OF FIRE OR BURNING HAZARDS**

- 6.01 If Fire Services finds, within the County boundaries, on privately owned land or occupied public land, conditions that in the opinion of Fire Services constitute a Fire Hazard or a Burning Hazard, it may request a Safety Codes Officer issue an order to the owner, occupier or person in control of the land on which the Fire Hazard or Burning Hazard exists to reduce or remove the Fire Hazard or Burning Hazard as the case may be within a fixed period of time.
- 6.02 In the event an order made pursuant to Section 6.01 has not been complied with, Fire Services may enter onto the land with any equipment and persons it considers necessary and perform the work required to reduce or remove the Fire Hazard or Burning Hazard.
- 6.03 Where work is performed pursuant to Section 6.02:
- a. The owner, occupier or person in control of the land shall, on demand, reimburse the County for the costs and expenses associated with the work performed;
  - b. The County may recover such unpaid costs and expenses as a debt due and owing to the County; and
  - c. (Where such unpaid costs and expenses are not paid, such unpaid costs and expenses may be charged against the land as a lien in respect of that land and improvements.



**SECTION 7 – REPORTING OF FIRES**

- 7.01 The owner, occupier or person in control of any land or property damaged by fire, or his authorized agent, shall immediately report to Local Fire Services the particulars of the Fire in a manner and detail satisfactory to the District Fire Chief.
- 7.02 The owner, occupier or person in control of any land or property containing Dangerous Goods which sustains an accidental or unplanned release of the Dangerous Goods shall immediately report the particulars of the release to the District Fire Chief in a manner satisfactory to the District Fire Chief.

**SECTION 8 – FIREWORKS – Low to High Hazard**

- 8.01 No person shall possess, handle, discharge, fire or set off Low Hazard Fireworks or High Hazard Fireworks in the County without first obtaining a Fireworks Permit from the County.
- 8.02 The CAO may impose such conditions and restrictions on the Fireworks Permit as he deems appropriate, in his absolute discretion, which conditions and restrictions may include, but are not limited to:
- a. Time of the day;
  - b. Days of the week;
  - c. Duration of display;
  - d. Geographic location;
  - e. Requirements for notification of affected residents;
  - f. On-site fire suppression materials and resources; and
  - g. Safety precautions to mitigate danger or nuisance to any person or property.
- 8.03 Upon receiving an application for a Fireworks Permit, the CAO shall consider the permit application and, after having done so, may, in his absolute discretion refuse to grant a Fireworks Permit, grant a Fireworks Permit with or without conditions as deemed appropriate, or determine that a Fireworks Permit is not required.
- 8.04 The CAO may in his sole discretion terminate or suspend any previously issued Fireworks Permit for reasons of:
- a. Non-compliance with:
    - i. The Alberta Fire Code;
    - ii. The Explosives Act (Canada); or
    - iii. The Fireworks Permit.
  - b. Changes in environmental conditions; or
  - c. Perceived risk to life, limb or property.
- 8.06 A Fireworks Permit, when issued, shall be at no cost to the applicant
- 8.07 With out the permission of a Forest Officer, no person shall discharge, fire or set off Fireworks from, on or over:
- a. Public land as defined in the Public Lands Act, or
  - b. A forest protection area designated under the Forest and Prairie Protection Act.

- 8.08 No person shall discharge, fire or set off Fireworks:
- a. In a place or in a manner that creates a danger or constitutes a nuisance to any person or property;
  - b. On a highway, road allowance, public beach or park;
  - c. In a building or place, unless
    - i. The Fireworks are specifically designed and clearly marked by the manufacturer for such use, and
    - ii. The building or place is acceptable to Fire Services,
  - d. Within 10 metres of any building, tent, trailer, canvas shelter or motor vehicle;
  - e. Within 200 metres of any place where explosives or flammable liquids or combustible liquids or substances are manufactured or stored;
  - f. Within 250 metres of a correctional institution as defined in the Corrections Act, a facility as defined in the Mental Health Act, a nursing home within the meaning of the Nursing Homes Act, a social care facility as defined in the Social Care Facilities Licensing Act, a hospital as defined in the Hospitals Act, an educational institution or a church, unless acceptable to the Fire Services; or
  - g. When the wind velocity exceeds 20 km/hour or when, in the opinion of the Fire Services weather conditions create an undue Fire Hazard.
  - h. During a Fire Ban.
- 8.09 Fire Services, in its sole discretion, may require a person to cease the discharging, firing or setting off of Fireworks when considered necessary to do so for reasons of safety. Upon being directed by Fire Services to cease discharging, firing or setting off Fireworks, the Person the Fireworks Permit was issued to shall immediately take action to cease discharging, firing or setting off Fireworks.

#### **SECTION 9 – FIREWORKS – Low Hazard**

- 9.01 In order to obtain a Fireworks Permit for discharging Low Hazard Fireworks on private land the applicant must:
- a. Obtain the written consent of the owner or occupant of that land and the owner or occupant of neighbouring land on which debris might reasonably be expected to fall;
  - b. Provide written notification to the Local Fire Service; and
  - c. Provide a copy of the consent required in 9.01 (a) and 9.01 (b) to the CAO.
- 9.02 No person who is under 18 years of age shall purchase, possess, handle, discharge, fire or set off Fireworks.
- 9.03 No person shall discharge, fire or set off Fireworks without a portable extinguisher having a rating of not less than 2-A in the immediate discharge area.
- 9.04 A retailer requires written permission from the County to store, display and sell these products and shall ensure that:
- a. The manufacturer's instructions on the safe use of fireworks are provided with each sale;
  - b. Notices acceptable to the County are posted at the sales outlet outlining the instructions referred to in Clause (a);
  - c. A record of each sale is kept on the premises where the sale occurs for a period of not less than two years following the date of the sale, and
  - d. A record referred to in Clause (c) shows;

- i. The date of the sale,
- ii. The name, address and phone number of the purchaser,
- iii. A description of the fireworks sold,
- iv. The date and time the fireworks will be discharged, and
- v. The location and a description of the site where the fireworks will be discharged.

### **SECTION 10 – FIREWORKS – High Hazard**

10.01 No person other than an individual who has a valid display supervisor or pyrotechnical card issued pursuant to the Explosives Act (Canada) shall possess, handle, discharge, fire or set off High Hazard Fireworks in the County.

10.02 An application for a High Hazard Display Fireworks Permit shall be made in writing, a minimum of 14 calendar days prior to the proposed High Hazard Display Fireworks display, by a display supervisor or pyro technician to the CAO, The application must address all information required by the Explosives Act (Canada) and the Alberta Fire Code, including, but not limited to:

- a. Date, time and location of the proposed display;
- b. Names, addresses and certification numbers of all display supervisors or pyro technicians and assistants participating in the display;
- c. The name of the sponsor or purchaser of the display;
- d. A full description of the planned display and a list of all materials to be fired, detonated, burnt or energized during the display;
- e. The emergency plan for the display;
- f. Verification of liability insurance, in an amount acceptable to the County;
- g. Any other information deemed necessary by the County, or the District Fire Chief.

### **SECTION 11 – FIRE PERMIT REQUIREMENTS**

11.01 In addition to any fire permit required pursuant to the Forest and Prairie Protection Act, between March 1 and October 31 of each year, all Fires in the County, unless specifically exempted by this Bylaw, shall require a Fire Permit issued pursuant to this Bylaw. For further clarification, between March 1 and October 31 of each year no Person shall ignite or maintain an Open Fire or any other Fire upon land owned, occupied or under his control within the County, unless a Fire Permit has been obtained, the conditions of the Fire Permit are complied with, and Burnable Debris is burned. (Bylaw No. 06/17)

11.02 Notwithstanding Section 11.01, a Fire Permit shall not be required under this Bylaw for:

- a. The cooking of food using a Barbeque; or
- b. Recreational campfire or the cooking of food in an Acceptable Fire Pit or Acceptable Fireplace, provided:
  - i. Only clean fuel is used such as natural gas, dry wood or charcoal in amounts, which will be contained within the fire pit or fireplace below the mesh screen;
  - ii. The Acceptable Fire Pit or Acceptable Fireplace is not used to burn Prohibited Debris;
  - iii. A means, acceptable to Fire Services, of controlling or extinguishing the Fire is available on the property and within reasonable distance from where the Fire occurs.
- c. Burning only Burnable Debris in an Acceptable Burning Barrel;
- d. Any Fire set by Fire Services for the purposes of training; or

- e. Any Fire for which a District Fire Chief determines in his absolute discretion does not require a Fire Permit.
  - f. Fires that are fueled by compressed gas (i.e. propane torches, oxygen/acetylene torches)
  - g. Fires that are comparable to Recreational Fires used for agricultural purposes (i.e. small Fires used for branding or disposal of small amounts of Burnable Debris)
- 11.03 No person shall set, permit or maintain any Open Fire at any time of the year such that the smoke emitted from the fire impairs visibility on a highway or which, in the sole discretion of Fire Services, becomes a nuisance or safety concern on any highway or property. The person who set, permitted or maintained such an Open Fire shall extinguish the fire immediately upon the order of Fire Services.
- 11.04 No unauthorized Fires or Fireworks are allowed on County owned property, roadways or in areas designated as Municipal or Environmental Reserve.
- 11.05 In addition to any Fire Permit required under the Forest and Praire Protection Act, the CAO may require Fire Permits during any other period of the year.
- 11.06 Landowners are required to contact 911 Dispatch at 1-877-507-7011 prior to igniting an Open Fire year round.

## **SECTION 12 – FIRE PERMIT APPLICATION PROCESS**

- 12.01 An application for a Fire Permit may be made in person, electronically, or via telephone. Each permit application shall contain the following information:
- a. The name, address and telephone number, if applicable, of the applicant;
  - b. The reason a Fire Permit is required;
  - c. The legal description of the land upon which the fire will be set and the exact location of the fire on those lands, including the municipal address where applicable;
  - d. Whether the applicant is the owner of the property;
  - e. A description of the combustible material the applicant proposes to burn;
  - f. The size of the Open Fire area or estimated volume where applicable;
  - g. The precautions proposed to be taken by the applicant to ensure that the proposed fire will remain under the control of the applicant;
  - h. The time for which the applicant proposes the Fire Permit remain valid;
  - i. Acceptance of the terms and conditions of liability.

For a map of Permit areas and jurisdiction regarding the Forest Protection Area refer to Schedule “C”

- 12.02 Upon receiving an application for a Fire Permit, a Fire Guardian shall consider the permit application and, after having done so, a Fire Guardian may, in his absolute discretion:
- a. Refuse to grant a Fire Permit;
  - b. Grant a Fire Permit with or without conditions as deemed appropriate; or
  - c. Determine that a Fire Permit is not required.
- 12.03 A Fire Guardian, in his sole discretion, may terminate or suspend a Fire Permit at any time. Upon receiving notice of the suspension or cancellation of a Fire Permit, the Person the Fire Permit was issued to shall immediately take action to extinguish any Fire authorized pursuant to the Fire Permit.

- 12.04 A Fire Permit, when issued, will be at no cost to the applicant.
- 12.05 A Fire Permit shall not be transferable.
- 12.06 A Fire Permit issued pursuant to this Bylaw is valid for a maximum of 21 days. If a Fire authorized pursuant to a Fire Permit continues to burn after the period of time for which the Fire Permit is valid, the Person the Fire Permit was issued to shall immediately take action to extinguish the Fire.
- 12.07 A Fire Guardian may extend in writing the period of time that a Fire Permit is valid up to a maximum of 21 days, provided the Fire Permit has not expired when the extension is granted.

### **SECTION 13 – FIRE SERVICES FEES**

- 13.01 Where Fire Services has taken any action whatsoever for the purpose of providing fire protection services to the County Fire Services, including and not limited to, site inspections for regulated occupancies; requested site inspections and required fire investigations; business inspections; file search; report copies; duplicate of photograph; photocopy of photograph; the applicable fee as set out in Mountain View County Fee Bylaw shall be paid to Mountain View County.
- 13.02 In the event the County directs resources, including Fire Services, to respond to, suppress or extinguish, control or contain any Fire, hazardous materials or other Incident within the County, including any such action taken by Fire Services on a False Alarm, with CAO approval the County may, in respect of any costs and expenses incurred by the County in taking such action, charge any costs and expenses so incurred to:
- a. The owner or occupant of the land to which the services were provided;
  - b. The Person that is in control of the land to which the services were provided;
  - c. The Person who ignited, maintained or allowed the Fire, or otherwise caused or created the need for the services;
  - d. The Person to whom any Fire Permit was issued, in the case of a Fire.
- 13.03 The schedule of fees and charges to be charged by Mountain View County for services rendered pursuant to this Bylaw shall be as set out in Mountain View County Fee Schedule Bylaw.
- 13.04 In respect of the fees or charges described in Mountain View County Fee Schedule Bylaw:
- a. The County may recover such fees or charges as a debt due and owing to the County;  
or
  - b. In the case of action taken by Fire Services in respect of land within the County, where the fees or charges are not paid upon demand by the County, the amount levied and unpaid shall be charged against the land upon which the fire was started as taxes due and owing in respect of that land.

**SECTION 14 – OFFENCES/RESTRICTIONS**

14.01 No Person shall contravene any provision of this Bylaw.

No Person shall ignite, maintain or allow to be maintained a Fire except when such Fire is permitted pursuant to this Bylaw or that Person is a holder of a Fire Permit pursuant to this Bylaw or the Forest and Prairie Protection Act or both, which permits the Fire.

When a Fire is lit or ignited without the appropriate Fire Permit, except a Fire for which a Fire Permit is not required pursuant to this Bylaw, the owner or occupier of the land on which the Fire is lit or the person having control of the land upon which such Fire is lit shall:

- a. Extinguish the Fire immediately; or
- b. Where he is unable to extinguish the Fire immediately, report the Fire to Fire Services.

14.02 No Person shall contravene or breach any term or condition of a Fireworks Permit.

14.03 No person shall allow a Fire to become out of control as determined by a District Fire Chief in his absolute discretion.

14.04 No person shall either directly or indirectly, personally or through an agent, servant or employee, ignite a Fire and allow it to become a Running Fire on any land, including his own property, or allow a Running Fire to pass from his property, or property under his control, to the property of another.

14.05 No person shall:

- a. Light an Open Fire, , Burning Barrel Fire, Acceptable Fireplace Fire or Acceptable Fire Pit Fire without first taking sufficient precaution to ensure that the Fire can be kept under control at all times;
- b. Light an Open fire, Burning Barrel Fire, Acceptable Fireplace Fire or Acceptable Fire Pit Fire when the weather conditions are conducive to creating a Running Fire or when Fire Services or another authorized agency has announced a ban on burning;
- c. Burn Prohibited Debris;
- d. Deposit, discard or leave any burning matter or substance where it might ignite other material and cause a Fire;
- e. Conduct any activity that involves the use of Fire or that creates potential sources of Fire ignition, which might reasonably be expected to cause a Running Fire or Open Fire, unless he exercises reasonable care to prevent such a Fire from occurring;
- f. Provide false, incomplete or misleading information to Fire Services on or with respect to a Fire Permit application;
- g. Interfere with the efforts of persons authorized in this Bylaw to extinguish Fires or preserve life or property;
- h. Interfere with the operation of any Fire Services equipment or apparatus required to extinguish Fires or preserve life or property;
- i. Damage or destroy any Fire Services property;
- j. Falsely represent himself as a Fire Services Member or wear or display any uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- k. Fail to extinguish a fire once a Fire Ban has been imposed.

- 14.06 Nothing in this Bylaw shall be interpreted to authorize any Fire, burning or other act which is in contravention of the Environmental Protection and Enhancement Act and amendments thereto, or any regulation made thereunder.
- 14.07 Nothing in this Bylaw shall be interpreted to authorize any Fire, burning or other act which is in contravention of the Forest and Prairie Protection Act and amendments thereto, or any regulation made thereunder.

### **SECTION 15 – FIRE BANS**

- 15.01 When the prevailing environmental conditions give rise to an increased risk of fire becoming a Running Fire, the CAO, in his absolute discretion, may order a Fire Ban within the County or part of the County and require that any Fire be extinguished immediately.
- 15.02 A Fire Ban imposed by the CAO shall be in force until such time as the CAO gives notice to the public that the Fire Ban has been lifted.
- 15.03 Any Fire Permits that were previously issued to property located in the area affected by the Fire Ban will be SUSPENDED for the duration of the Fire Ban.
- 15.04 The CAO may authorize the following Fire Bans:
- a. Partial Fire Ban –The following types of Fires are banned:
    - i. Open Fires
    - ii. Fireworks
    - iii. Recreational Fires not contained in an Acceptable Fire Pit
    - iv. Permit burning. All outstanding burning permits are suspended until further notice.
    - v. Exceptions Include:
      - 1. Acceptable Burning Barrels
      - 2. Acceptable Fire Pits
      - 3. Acceptable Outdoor Fireplace
      - 4. Barbeques
      - 5. Household Fireplaces
      - 6. AER flaring
  - b. Complete Fire Ban: The following types of Fires are banned:
    - i. Open Fires
    - ii. Fireworks
    - iii. Acceptable Burning Barrels;
    - iv. Acceptable Fire Pits;
    - v. Acceptable Outdoor Fireplace;
    - vi. Recreational Fires
  - c. Only exceptions are:
    - i. Internal household fire places;
    - ii. AER flaring.
    - iii. Barbeques;

**SECTION 16 – PENALTIES**

16.01 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000) Dollars and not less than Twenty Five (\$25) Dollars and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

16.02 Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2002 Chapter P-34.

The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “A” of this Bylaw in respect of that provision.

16.03 Where any person has been convicted under the same section of this Bylaw within a TWENTY-FOUR (24) month period, the specified penalty payable in respect of the second contravention shall be double in the amount as shown in accordance with Schedule “A”.

Where any person has been convicted under the same section of this Bylaw two or more times within a TWENTY-FOUR (24) month period, the specified penalty payable in respect of the third or subsequent contravention shall be quadruple the amount as shown in accordance with Schedule “A”.

16.04 A notice or form commonly called a Bylaw Tag having printed wording approved by the County Chief Administrative Officer, may be issued by a Peace Officer to any person alleged to have contravened any provision of this Bylaw or its regulations.

The penalty in lieu of prosecution applicable to any contravention of this Bylaw, to be used when issuing a Bylaw Tag shall be the same as the specified penalty shown in Schedule “A”.

16.05 A person who has been served with a Bylaw Tag in relation to an alleged contravention of this Bylaw, and who has paid the penalty provided within the time allowed shall not be liable to prosecution for the subject offence.

16.06 A Bylaw Tag shall be deemed to be sufficiently served:

- a. if served personally on the accused; or
- b. if mailed by regular mail to the address of the owner or person accused.

**SECTION 17 – SEVERABILITY**

17.01 Each provision of this Bylaw is independent of all other provision. If any such provision is declared invalid by a Court of competent jurisdiction all other provision of this Bylaw will remain valid and enforceable.

**SECTION -18 REPEAL OF BYLAW**

18.01 Bylaw No. 23/83 Establish and Operate Fire Services; Bylaw No. 29/97 Establish Rural Protection Areas; Bylaw No. 10/99 Agreement with Town of Didsbury to establish the Didsbury and District Fire Authority; Bylaw No. 22/00 Agreement with the Village of Cremona to establish the Cremona and District Fire Authority; Bylaw No. 44/00 Agreement with the Town of Carstairs to establish the Carstairs and District Fire Authority; Bylaw No. 6/01



Agreement with the Town of Sundre to establish the Sundre and District Fire Authority; Bylaw No. 28/02 Establish Fire Bans are hereby repealed.

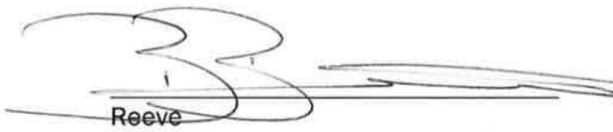
**SECTION 19- EFFECTIVE DATE**


19 .01 This Bylaw shall come into effect at such time as it has received third (3<sup>rd</sup>) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 28 day of August, 2013.

Read the second time this 11 day of September, 2013.

Read the third time this 11 day of September, 2013.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer

Sept. 11 2013  
\_\_\_\_\_  
Date of Signing

## Schedule A

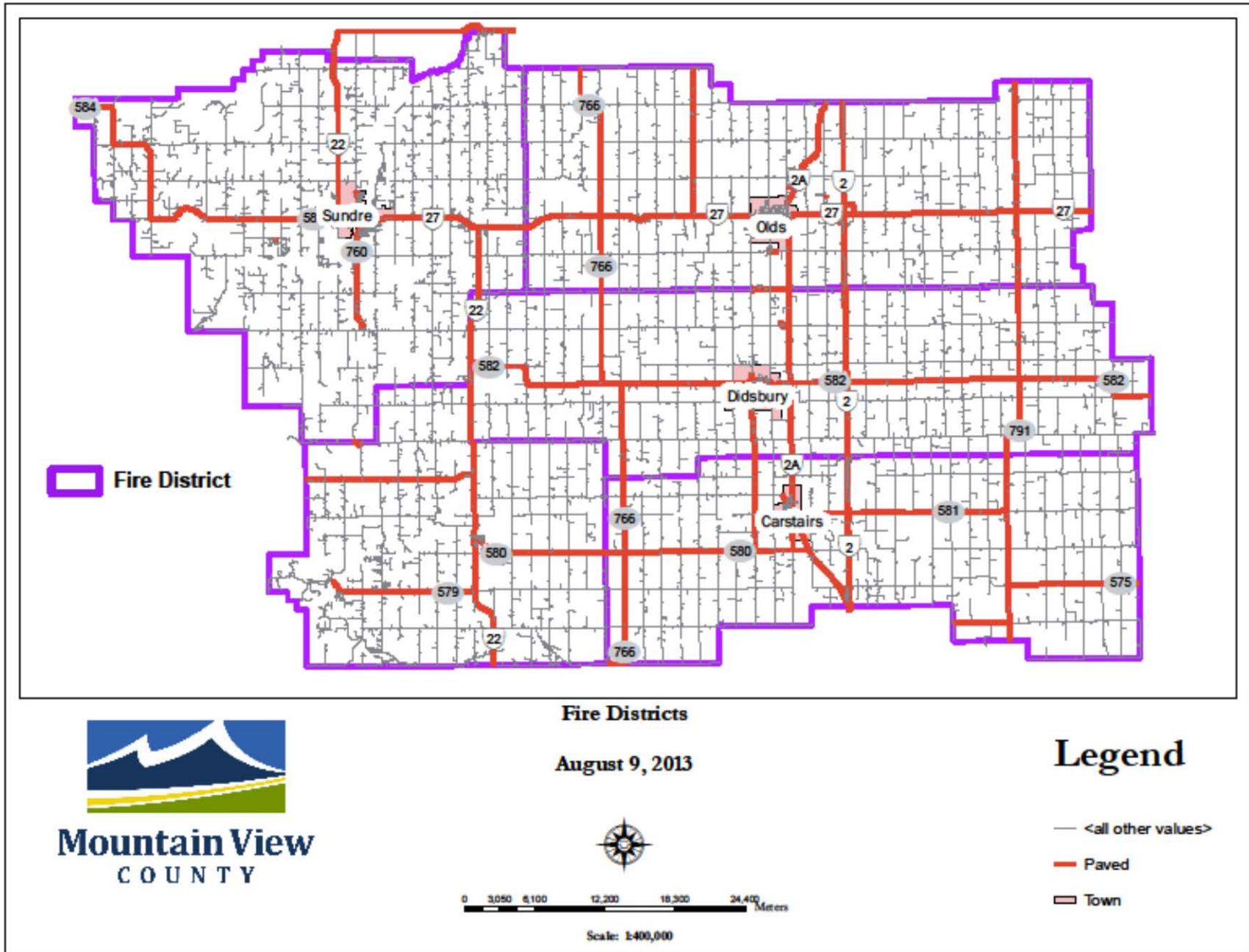
## Mountain View County Specified Penalties

Section	Offence	First Offence	Second Offence (Double)	Third Offence (Quadruple)
8.01	No person shall possess, handle, discharge, fire or set off Low or High Hazard Fireworks or Display Fireworks in the County without first obtaining a Fireworks permit	\$25	\$50	\$100
8.08 a	No person shall discharge fire or set off Fireworks in a place or in a manner that creates a danger or constitutes a nuisance to any person or property	\$250	\$500	\$1000
8.08 b	No person shall discharge fire or set off Fireworks on a highway, road allowance, public beach or park	\$250	\$500	\$1000
8.08 c	No person shall discharge fire or set off Fireworks In a building or place.	\$250	\$500	\$1000
8.08 d	No person shall discharge fire or set off Fireworks Within 10 metres of any building, tent, trailer, canvas shelter or motor vehicle	\$250	\$500	\$1000
8.08 e	No person shall discharge fire or set off Fireworks Within 200 metres of any place where explosives or flammable liquids or combustible liquids or substances are manufactured or stored	\$250	\$500	\$1000
8.08 f	No person shall discharge fire or set off Fireworks Within 250 metres of a correctional institution as defined in the Corrections Act, a facility as defined in the Mental health Act, a nursing home within the meaning of the Nursing Homes Act, a social care facility as defined in the Social Care Facilities Licensing Act, a hospital as defined in the Hospitals Act, an educational institution or a church	\$250	\$500	\$1000
8.08 g	No person shall discharge fire or set off Fireworks when the wind velocity exceeds 20 km/hour	\$250	\$500	\$1000
8.08 h	No person shall discharge fire or set off Fireworks during a Fire Ban	\$500	\$1000	\$2000
9.02	No person who is under 18 years of age shall purchase, possess, handle, discharge, fire or set off Fireworks.	\$250	\$500	\$1000
9.03	No person shall discharge, fire or set off Fireworks without a portable extinguisher having a rating of not less than 2-A in the immediate discharge area.	\$250	\$500	\$1000

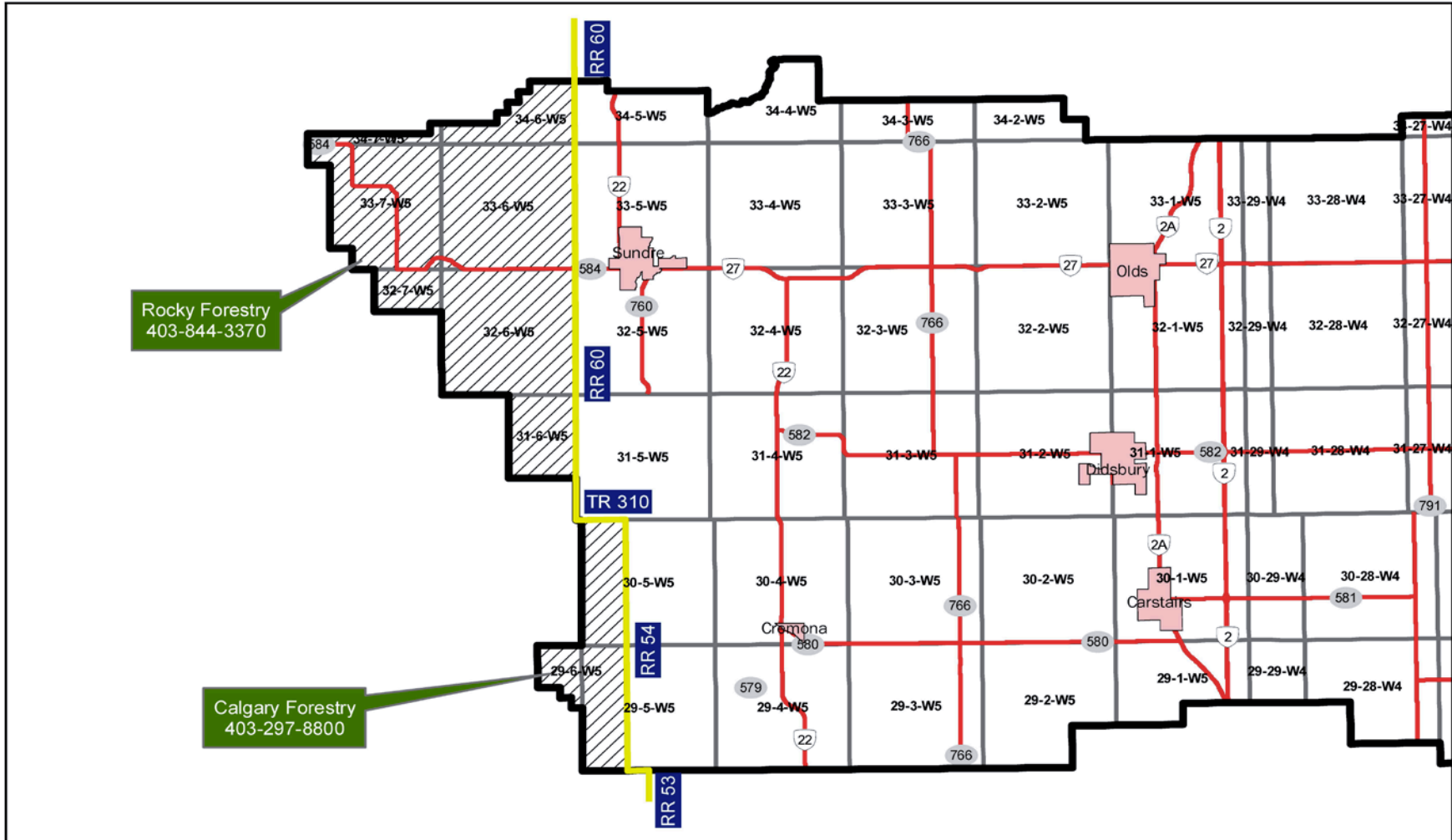
11.01	No Person shall ignite or maintain an Open Fire or any other Fire upon land owned, occupied or under his control within the County, unless Fire Permit has been obtained	\$250	\$500	\$1000
11.03	No person shall set, permit or maintain any fire such that the smoke emitted from the fire impairs visibility on a highway, or which in the sole discretion of an Inspection Officer, becomes a nuisance or safety concern on any highway or to neighbouring persons or property	\$250	\$500	\$1000
11.04	Unauthorized fire or fireworks on County owned property, roadway, or area designated as reserve property	\$250	\$500	\$1000
14.01	No person shall contravene any provision of this Bylaw	\$25	\$50	\$100
14.04	Let a fire to burn out of control so as to threaten or cause damage to adjacent property	\$500	\$1000	\$2000
14.05 a	No person shall light an Open Fire, Burning Barrel Fire, Acceptable Fireplace Fire or Acceptable Fire Pit Fire without first taking sufficient precaution to ensure that the Fire can be kept under control at all times	\$250	\$500	\$1000
14.05 b	No person shall light an Open fire, Burning Barrel Fire, Acceptable Fireplace Fire or Acceptable Fire Pit Fire when the weather conditions are conducive to creating a Running Fire or when Fire Services or another authorized agency has announced a ban on burning	\$500	\$1000	\$2000
14.05 c	No person shall Burn Prohibited Debris	\$250	\$500	\$1000
14.05 d	No person shall deposit, discard or leave any burning matter or substance where it might ignite other material and cause a Fire	\$250	\$500	\$1000
14.05 e	No person shall conduct any activity that involves the use of Fire or that creates potential sources of Fire ignition, which might reasonably be expected to cause a Running Fire or Open Fire, unless he exercises reasonable care to prevent such a Fire from occurring	\$250	\$500	\$1000
14.05 f	No person shall provide false, incomplete or misleading information to Fire Services	\$500	\$1000	\$2000

14.05 g	No person shall interfere with the efforts of persons authorized in this Bylaw to extinguish Fires or preserve life or property	\$500	\$1000	\$2000
14.05 h	No person shall interfere with the operation of any Fire Services equipment or apparatus required to extinguish Fires or preserve life or property	\$1000	\$2000	\$4000
14.05 i	No person shall damage or destroy any Fire Services property	\$1000	\$2000	\$4000
14.05 j	No person shall falsely represent himself as a Fire Services Member or wear or display any uniform, badge, cap, button, insignia or other paraphernalia for the purpose of such false representation	\$500	\$1000	\$2000
14.05 k	Fail to extinguish a fire once a Fire Ban has been imposed	\$500	\$1000	\$2000

Schedule B



Schedule C



Mountain View County  
Forest Protection Area



Scale: 1:400,000

Mountain View County

**Legend**

- Highways
- Town/Village
- Forest Protection Area Boundary
- Forest Protection Area within Mountain View County