

Town of Mayerthorpe  
Province of Alberta  
Canada.

## BYLAW NO. 955

**BEING A BYLAW OF THE TOWN TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE TOWN TO PROVIDE FOR THE SAFE POSSESSION, SALE, GIVING AWAY, STORAGE, PURCHASE AND DISCHARGE OF HIGH AND LOW HAZARD FIREWORKS, AND PENALTIES IN COMPLIANCE WITH MUNICIPAL POLICY, THE ALBERTA FIRE CODE AS AMENDED, THE SAFETY CODES ACT AND AMENDMENTS THERETO (R.S.A. 2000, C. S-1), AND THE EXPLOSIVES ACT (R.S.C. 1985, C. E-17).**

WHEREAS Section 7(a) of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws for the safety, health and welfare of people and protection of people and property, imposition of penalties for offences, as well as services provided by or on behalf of the municipality as may be considered proper by Council;

WHEREAS Section 8(a) of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws to regulate or prohibit;

WHEREAS Section 8(c) of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto, provides that a Council may pass bylaws to establish a system of licenses, permits or approvals;

WHEREAS the *Forest and Prairie Protection Act*, R.S.A. 2000, with amendments thereto, grants certain additional powers and responsibilities to the Town, Council may pass bylaws for the prevention of prairie or running fires and the enforcement of the provisions of the *Forest and Prairie Protection Act* in that behalf;

NOW THEREFORE, the Council of the Town, in Council duly assembled, enacts as follows:

### PART I – NAME OF BYLAW

1.1 This Bylaw may be cited as the “Fireworks Bylaw”.

### PART II – DEFINITIONS

2.1 In this Bylaw:

- (a) “Alberta Fire Code” means the most current version of fire safety regulations adopted by the Province of Alberta and legislated under the *Safety Codes Act*;
- (b) “Chief Administrative Officer or CAO” means the Chief Administrative Officer of the Town, or his designate;
- (c) “Consumer Fireworks” are commonly referred to as Low Hazard Fireworks;
- (d) “Town” means the Town;
- (e) “Council” means the Council of the Town;
- (f) “Display Fireworks” are commonly referred as High Hazard Fireworks;
- (g) “Explosives Act” means the *Explosives Act (Canada)* and all regulations passed pursuant to that Act;
- (h) “Fire Ban” means a provincial ministerial order, an order by the Town CAO, or an order by the Town’s Fire Chief that may, at their discretion, cancel any or all fire permits, prohibit the lighting or require the extinguishment of a fire;
- (i) “Fire Guardian” means a person named or appointed as Fire Guardian pursuant to the *Forest and Prairie Protection Act* or the Town Fire Bylaw or both;
- (j) “Fire Chief” means the person appointed as head of the Town’s Fire Services or designate;
- (k) “Fire Permit” means a permit issued by a Fire Guardian pursuant to the *Forest and Prairie Protection Act* or the Town Fire Bylaw or both allowing for the setting of an outdoor fire, a structure fire, an incinerator fire, or discharging fireworks within the Town;

- (l) “FireSmart Manual” means the FireSmart Home Owners manual produced by Alberta Sustainable Resource Development;
- (m) “Fireworks” means the Fireworks listed in Class 7, Division 1, and Class 7, Division 2, Subdivision 1 and 2 in Section 14 of the *Explosives Act (Canada)* and regulations under the Act;
- (n) “High Hazard Fireworks” means those types of Fireworks that only persons certified under the *Explosives Act (Canada)*, may store, transport and discharge. These Fireworks are also referred to as Display Fireworks typically used a large events at fairs, exhibitions, Canada Day displays, etc.;
- (o) “Incinerator Fire” means a fire that is confined within a non-combustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 8 to 16mm (as per FireSmart Manual) and which is used for the purpose of burning burnable debris, protecting stock from insects or for protecting garden plots from frost;
- (p) “Low Hazard Fireworks” means those types of Fireworks which are regulated for storage, sale and discharge under the *Alberta Fire Code*, but do not require certification for handling, transporting or discharge. These Fireworks are also referred to as “Consumer Fireworks” or “Family Fireworks”.
- (q) “Owner” means:
  - i. The person as registered on title at the Land Titles Offices;
  - ii. A person who is recorded as the owner of the property on the assessment roll of the Town;
  - iii. A person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
  - iv. A person controlling the property under construction; or
  - v. A person who is the occupant of the property under a lease, license, or permit.
- (r) “Peace Officer” means a person appointed as a Peace Officer under the *Peace Officer Act*;
- (s) “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporate, association, society and any other legal entity;
- (t) “Property” means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the Town;
- (u) “Specified Penalty” means a penalty specified in Schedule “A” which may be paid in response to a Violations Ticket, for an alleged offence of a section of this Bylaw;
- (v) “Violation Ticket” means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34 for a breach of any of the provisions of this Bylaw.

### PART III – PURPOSES AND PREAMBLE

- 3.1 The Council of the Town recognizes that Fireworks are explosive devices which are classified as Dangerous Goods under the *Alberta Fire Code* and which, when not managed, handled and used properly, can cause injury, damage, fire and death.
- 3.2 The Council of the Town has determined that the controlled and managed sale, storage, purchase and discharge of Fireworks by persons under 18 years of age creates a manageable level of risk to life, health, safety and property.
- 3.3 The Council of the Town wishes to limit the hours of sale of Fireworks in order to effectively manage the risk.
- 3.4 All persons purchasing, possessing, handling, distributing, offering for sale, storing, selling, giving away, discharging, firing or setting off Fireworks shall conform to all requirements of the *Alberta Fire Code* and this Bylaw.

### PART IV – FIRE PERMITS (HIGH HAZARD or DISPLAY FIREWORKS)

- 4.1 In addition to any fire permit required under the Town’s Fire Bylaw, Fire Permits shall be required under this Bylaw at all times.
- 4.2 Council from time to time by resolution may establish a fee for issuing a Fire Permit.
- 4.3 Where an emergency or a potential emergency exists, the Fire Chief or designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any outdoor camping fire lit for cooking or warming purpose, or the discharging of Fireworks within all or portions of the Town for such a period of time and on such conditions as may be determined by the Fire Chief or designate.

- 4.4 A High Hazard Fireworks or Display Fireworks pyro-technician or display supervisor shall apply for a permit in writing to the Fire Chief or designate at least 28 days before the intended date of the Fireworks display, and the Fire Chief or designate will receive and consider the application and may refuse issuance of a Permit on reasonable and probable grounds that a public interest risk exists for the proposed Fireworks.
- 4.5 The permit application shall include all of the following information:
- i. The name, address, and signature of the person(s) sponsoring the Fireworks display;
  - ii. The name, certification number, and signature of the Fireworks pyro-technician or display supervisor, and any assistants participating in the show;
  - iii. The name of the person(s) that is conducting the Fireworks display if different from the person(s) sponsoring the Fireworks display,
  - iv. The date and time of the proposed Fireworks display;
  - v. A detailed description of the proposed Fireworks display;
  - vi. The exact location planned for the Fireworks display including a diagram of the grounds on which it will be held, showing the point from where the Fireworks will be discharged, the location of all highways, railroads, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained;
  - vii. Written consent from the owner of the property on which the Fireworks display will be held;
  - viii. Written consent from the owners of adjacent properties on which debris might reasonably be expected to fall;
  - ix. The emergency plan for the event;
  - x. The manner and place of storage of all Fireworks prior to, during and after the display;
  - xi. The name and address of the vendor(s) that supplied all the Fireworks used in the Fireworks display;
  - xii. Proof of General Liability Insurance from the pyro-technician or display supervisor with coverage of at least \$5,000,000.00 per occurrence in a form acceptable to the Fire Chief;
  - xiii. Payment of the designated application fee, if any;
  - xiv. Any other information requested by the Fire Chief's office.
- 4.6 The Fire Chief or designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 4.7 A Fire Permit for High Hazard or Display Fireworks shall not be transferable.
- 4.8 The Fire Chief or designate may choose to revoke any previously issued written letter of permission (Fire Permit) for reasons of non-compliance with:
- (a) *The Alberta Fire Code,*
  - (b) *The Explosives Act (Canada),*
  - (c) The letter of permission (Fire Permit), including any terms and conditions,
  - (d) Changes in environmental conditions, and/or,
  - (e) For any reasons of safety to life, limb, or property.

#### PART V – FIRE PERMITS (LOW HAZARD or CONSUMER (FAMILY) FIREWORKS)

- 5.1 In addition to any Fire Permit required under the Town's Fire Bylaw, Fire Permits shall be required under this Bylaw at all times.
- 5.2 Council from time to time by resolution may establish a fee for issuing a Fire Permit.
- 5.3 Where an emergency or a potential emergency exists, the Fire Chief or designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any outdoor camping fire lit for cooking or warming purpose, or the discharging of Fireworks within all or portions of the Town for such a period of time and on such conditions as may be determined by the Fire Chief or designate.
- 5.4 An application for a Fire Permit to discharge Low Hazard or Consumer Fireworks shall be made to Town Fire Chief verbally or in writing. The Fire Chief shall receive and consider the application and may refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed Fireworks.
- 5.5 Permitting for Low Hazard or Consumer Fireworks will be allowed year-round.
- 5.6 The permit application shall include all of the following information:
- i. The name, address, and signature of the person(s) sponsoring the Fireworks display;

- ii. The name, address, and signature of the person(s) conducting the Fireworks display, if different from the person(s) sponsoring the Fireworks display;
  - iii. The name, address, and signature of the person(s) purchasing the Low Hazard or Consumer Fireworks if different from the person sponsoring the Fireworks display;
  - iv. The date and time of the proposed Fireworks display;
  - v. A detailed description of the proposed Fireworks display;
  - vi. The exact location planned for the proposed Fireworks display;
  - vii. Written consent from the owner of the property on which the Fireworks display will be held, if different from the person sponsoring the display;
  - viii. Written consent from the owners of adjacent properties on which debris might reasonably be expected to fall;
  - ix. The emergency plan for the event;
  - x. The manner and place of storage of all Fireworks prior to, during and after the Fireworks display;
  - xi. The name and address of the vendor(s) that supplied all the Fireworks used in the Fireworks display;
  - xii. Payment of the designated application fee, if any;
  - xiii. Any other information requested by the Fire Chief's office.
- 5.7 A person wishing to purchase Low Hazard or Consumer Fireworks must first obtain a Fire Permit to discharge Fireworks from the Fire Chief prior to purchase of same.
- 5.8 The Fire Chief or designate may attach any terms and conditions in a written permission that he or she deems appropriate for the specific event and location.
- 5.9 A Fire Permit for Low Hazard or Consumer Fireworks shall not be transferable.
- 5.10 The Fire Chief or designate may choose to revoke any previously issued written letter of permission (Fire Permit) for reasons of non-compliance with:
- (a) *The Alberta Fire Code*,
  - (f) *The Explosives Act (Canada)*,
  - (g) The letter of permission (Fire Permit), including any terms and conditions,
  - (h) Changes in environmental conditions, and/or,
  - (i) For any reasons of safety to life, limb, or property.

#### PART VI – SALE OR PURCHASE OF FIREWORKS

- 6.1 No person shall wholesale, display for sale, offer for sale, sell, give away, possess or store any Fireworks within the Town without the written permission of the Fire Chief.
- 6.2 No person may obtain, purchase, set off, discharge or otherwise handle Fireworks within the Town without the written permission of the Fire Chief.
- 6.3 No person shall sell Fireworks to any person without seeing that person's Driver's License or other photo identification issued by the Government's of Canada or Alberta.
- 6.4 No person shall sell Fireworks to anyone under the age of 18 years.
- 6.5 No person under the age of 18 years shall purchase Fireworks.
- 6.6 No person shall bring Fireworks into the Town without the written permission of the Fire Chief.
- 6.7 No person shall set up, set off, fire, discharge or energize a pyrotechnics display in the Town without the written permission of the Fire Chief.
- 6.8 Fireworks may be sold, purchased, and discharged within the Town year-round.
- 6.9 Fireworks may only be sold and purchased between the hours of 8:00 a.m. and 8:00 p.m. Mountain Standard Time.
- 6.10 A wholesaler or distributor of Fireworks wishing to provide Fireworks to a retail vendor in the Town must first apply and obtain the written permission of the Fire Chief or designate.
- 6.11 A retail vendor wishing to sell Fireworks to persons in the Town must first apply and obtain the written permission of the Fire Chief or designate. This permission must include approval and acceptance of the storage area and the required Fire Safety Plan as outlined in the *Alberta Fire Code*.
- 6.12 A retail vendor wishing to sell Fireworks to persons in the Town must retain all the information required from every purchaser by the *Alberta Fire Code* for a period of not less than two years as outlined in the *Alberta Fire Code*. This information will include:
- i. The date of 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;

- v. The location and description of the site where the Fireworks will be discharged;
  - vi. A copy of the written permission to discharge, issued by the Fire Chief's office of the municipality where the Fireworks will be discharged, and;
  - vii. A copy of the written permission to purchase Fireworks issued by the Fire Chief of the Town.
- 6.13 Low Hazard (Consumer / Family) or High Hazard (Display) Fireworks shall not be sold, given away, or discharged during times of Fire Advisory or Fire Bans.
- 6.14 Possessing, transporting, giving away, storing or discharging of Low Hazard (Consumer / Family) Fireworks purchased outside of Town boundaries, must comply with the regulations as stated in the most current version of the *Alberta Fire Code* and the permit requirements under this Bylaw.

#### PART VII – OFFENSES

- 7.1 Breach of this Bylaw is an offence and upon conviction shall be subject to the penalties for contravening this Bylaw shall be identified in Schedule "A" and in the absence of a specified penalty, to a fine not less than \$250.00 and not more than \$10,000.00.
- 7.2 No person(s) shall discharge Fireworks without a Fire Permit as is required under this Bylaw.
- 7.3 No person(s) shall sell, offer for sale, store, give away, distribute, discharge, or set off Fireworks without a permit.
- 7.4 No person(s) shall sell Low Hazard (Consumer / Family) Fireworks within the Town to any person under the age of 18 years.
- 7.5 Any person who discharges Fireworks for the purposes described in this Bylaw is responsible to ensure that it is conducted in a safe manner.
- 7.6 No person(s) shall discharge Low Hazard (Consumer / Family) Fireworks within the Town, except during the hours of 8:00 p.m. to 11:59 p.m..
- 7.7 Where an Enforcement Officer (Community Peace Officer, Bylaw Enforcement Officer or Police Officer with authority to enforce the bylaws of the Town) has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such person by issuing the person a Violation Ticket pursuant to the provisions of the *Provincial Offences Procedure Act*.
- 7.8 The issuance of a Violation Ticket as noted in 7.7 may require a Court appearance by the person pursuant to Part 2 of the *Provincial Offences Procedure Act*.
- 7.9 Where a Safety Codes Officer in the Fire Discipline, holding a Designation of Powers to the Town, or an Enforcement Officer noted in 7.7 above, has reasonable grounds to believe that a person has violated any provision of the *Alberta Fire Code*, they may commence Court proceedings under the *Safety Codes Act* against such person by filing information pursuant to the provisions of the *Provincial Offences Procedure Act*.
- 7.10 In respect to any costs or fees levied or charged under this Bylaw:
- (a) the Town may recover such costs or fess as an amount due and owing to the Town pursuant to Section 552 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26; and,
  - (b) In default of payment, where permitted by the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, Section 553(1) (c), add the amounts due to the Tax Roll of the property in question.

#### PART VIII – SEVERABILITY

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

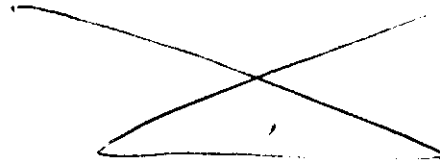
EFFECTIVE DATE

That this Bylaw shall come into force and take effect on January 2<sup>nd</sup>, 2011.

Read a first time this 27<sup>th</sup> day of September, A.D. 2010.

Read a second time this 27<sup>th</sup> day of September, A.D. 2010.

Read a third time and duly passed this 27<sup>th</sup> day of September, A.D. 2010.

A handwritten signature in black ink, appearing to read "Doug McDermid", written over a horizontal line.

**Doug McDermid, Mayor**

A handwritten signature in black ink, appearing to read "Karen St. Martin", written over a horizontal line.

**Karen St. Martin, CAO**

**SCHEDULE "A"**  
**PENALTIES**

SECTION	OFFENCE	VIOLATION TAG	VIOLATION TICKET
11.1	Setting Illegal Fire	\$200.00	\$300.00
11.2	Burning refuse, waste, junk, garbage, structures, or debris	\$250.00	\$350.00
12.4	Contravene Fire Ban	\$500.00	\$700.00
17.1.1	Contravening a provision of Bylaw (where no other specific fine imposed)	\$200.00	\$300.00
17.1.2	Impeding, obstructing, hindering Member or Officer	\$200.00	\$300.00
17.1.4	Damage, destroy Fire Department Property	\$400.00	\$500.00
17.1.20	Fail to obey emergency traffic control direction of member	\$200.00	\$300.00
17.1.7	Obstruct access	\$400.00	\$500.00
17.1.8	Lighting an Outdoor Fire or Structure Fire in contravention of the Bylaw	\$200.00	\$300.00
17.1.10	Allowing Fire to become Running Fire	\$300.00	\$400.00
17.1.12	Lighting a Fire when condition conducive to creating Running Fire	\$500.00	\$700.00
17.1.11	Lighting a Fire without taking sufficient precautions to ensure it can be kept under control at all times	\$150.00	\$250.00
17.1.9	Failing to extinguish an illegal Fire or reporting it immediately to the Fire Department	\$300.00	\$400.00
17.1.14	Depositing, discarding, leaving, or burning matter or substance	\$100.00	\$200.00
17.1.15	Any conduct involving Fire that might reasonably cause a Fire unless reasonable care to prevent a Fire is used	\$100.00	\$200.00
17.1.16	Use a Fire to burn material that will produce smoke or toxic materials	\$100.00	\$200.00
17.1.17	Impeding Vehicular and pedestrian traffic by smoke	\$100.00	\$200.00
17.1.18	Lighting Fire on Town Land	\$150.00	\$250.00

**21.2.3** Where the Property is not occupied, by mailing the notice by double registered mail or certified mail to the mailing address noted on the Town's tax roll for that Property, and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf; or

**21.2.4** As directed by the Court.

**SECTION 22 GENERAL**

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

**22.2** This Bylaw will function in conjunction with all policies and Guidelines, including but not limited to the SOG's, relating to the Fire Department and the provision of Fire Protection Services as may be adopted by Council from time to time.

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

**22.4** Bylaw **899** is hereby repealed.

**22.5** Bylaw **605** is hereby repealed.

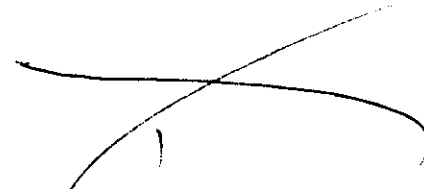
**22.6** Bylaw **928** is hereby repealed.

**22.7** This Bylaw shall come into force and effect upon third and final reading.

Read a first time this 27<sup>th</sup> day of September, A.D. 2010.

Read a second time this 27<sup>th</sup> day of September, A.D. 2010.

Read a third time and duly passed this 27<sup>th</sup> day of September, A.D. 2010.



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**Doug McDermid, Mayor**



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**Karen St. Martin, CAO**

## **SECTION 19 VIOLATION TAGS AND TICKETS**

- 19.1** Where an Enforcement Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Enforcement Officer is authorized and empowered to issue a Violation Tag to any Person who the Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
- 19.2** A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of actual service upon the Person or by mailing a copy to the Person at his/her address as it appears on the Town's tax roll or where the Person is a body corporate, to the registered office of the corporation as it appears in the Corporate Registry.
- 19.3** Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the person and within fourteen (14) business days if served by mail.
- 19.4** Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Enforcement Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act* to any person the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 19.5** Notwithstanding Section 19.1, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in the Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.
- 19.6** The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule "A" of this Bylaw in respect of that provision.
- 19.7** Where any Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second such contravention shall be double the amount provided for in Schedule "A" of this Bylaw.
- 19.8** Where any Person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third and subsequent such contravention shall be triple the amount provided for in Schedule "A" of this Bylaw.

## **SECTION 20 ENFORCEMENT**

- 20.1** Where Property does not comply with this Bylaw or a Person contravenes this Bylaw, the Town may pursue its enforcement alternatives in accordance with any Act, or common law right, including but not limited to the issuance of an order to remedy the contravention by the Town, adding amounts to the tax roll, and pursuing injunctions pursuant to the *Municipal Government Act*.

## **SECTION 21 NOTICE**

- 21.1** Any Notice provided for in this Bylaw shall be in writing.
- 21.2** Service of any Notice provided for in this Bylaw may be made as follows:
- 21.2.1** Personally upon the Person to be served; or
- 21.2.2** By mailing the copy to the Person to be served by double registered mail or certified mail to the last known post office address of the Person to be served and service shall be deemed to be effected at the time the copy is delivered by an official of the post office to the Person to be served or to any Person receiving it on his/her behalf;

- 17.1.10** Either directly, or indirectly, personally or through an agent, servant or employee kindle a Fire or let it become a Running Fire on any land not his or her own property or allow a Running Fire to pass from his or her own property to that of another;
- 17.1.11** Light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times;
- 17.1.12** Light a Fire when the weather conditions are conducive to creating a Running Fire;
- 17.1.13** Fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or from spreading onto Property other than his or her own;
- 17.1.14** Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire;
- 17.1.15** Conduct any activity that involves the use of Fire that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring;
- 17.1.16** Use a Fire to burn:
- 17.1.16.1** Material that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, or other materials or creosoted wood; or
  - 17.1.16.2** Herbicides, pesticides or other toxic materials or substances;
- 17.1.17** Conduct any activity that involves the use of any type of Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any Highway as defined in the *Traffic Safety Act*;
- 17.1.18** Light a Fire on lands owned or controlled by the Town except with the Town's express written consent or, if a Recreational Fire, in a Fireplace or Fire Pit provided by the Town for that purpose.
- 17.1.19** Provide false, incomplete or misleading information to the Fire Chief or his/her designate or any representative of the Fire Department with respect to a Fire or a Fire Permit application;

## **SECTION 18 PENALTIES**

### **18.1** Any Person who:

- 18.1.1** Violates any provision of this Bylaw;
- 18.1.2** Suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
- 18.1.3** Neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
- 18.1.4** Does any act or thing or omits any act or thing which violates any provision of this Bylaw;

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

### **18.2** Notwithstanding Section 18.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within ONE (1) year of committing the first offence shall be liable to either double the fine for the first offence or the fine specifically establishes for subsequent offences as set out in Schedule "A" of this Bylaw.

### **18.3** Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

- 12.3** The Fire Chief or Chief Administrative Officer shall give notice of the Fire ban in effect by causing signs to be posted at the entrance roads to the Town, facing both incoming and outgoing traffic. Such a sign shall indicate that the Fire Ban is in place, the date if any that the Fire Ban shall be lifted, and the penalty for failing to comply with the Fire Ban.
- 12.4** When a Fire Ban is in place, no person shall ignite a Fire, whether or not the person is the holder of a Fire Permit and shall immediately extinguish any Fire lit once the Person knows or ought reasonably to know of the Fire Ban.

### **SECTION 13 ROAD CLOSURES**

- 13.1** The Fire Chief, or the designated Incident Commander, may close off any road or alley or portions thereof if it is necessary for public safety or the protection of property, to do so and may delegate members to direct traffic accordingly.

### **SECTION 14 RIGHT OF REVIEW**

- 14.1** Any Person who receives a written Order or Fire Protection Charge issued pursuant to this Bylaw may request a review of the Order or Fire Protection by Council, under terms prescribed by Section 547 of the *Municipal Government Act*, by issuing a written review request including reasons for the review request to Council within 14 days after receiving the Order or notice of the Fire Protection Charge.
- 14.2** After reviewing the Order or Fire Protection Charge, Council may confirm, vary, substitute or cancel the Order or Fire Protection Charge.

### **SECTION 15 INTERFERENCE WITH DUTIES**

- 15.1** No Person shall obstruct the Fire Chief, a Member or any other person authorized to inspect Property or to perform any work necessary to remedy a condition, from performing his or her duties under this Bylaw.

### **SECTION 16 LIABILITY**

- 16.1** The Chief Administrative Officer, Fire Chief, Members, Enforcement Officers, or anyone else authorized to enforce the provisions of this Bylaw or take steps under this Bylaw are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties or powers.

### **SECTION 17 OFFENCES**

- 17.1** No Person shall:

- 17.1.1** Contravene any provision of this Bylaw;
- 17.1.2** Impede, obstruct or hinder a Member, or other person assisting or acting under the direction of a Member;
- 17.1.3** Fail to obey the emergency traffic control direction of a member.
- 17.1.4** Damage or destroy Fire Department Property, Apparatus or Equipment;
- 17.1.5** At an Incident, drive a vehicle over any Equipment or Fire Department Property without permission from the Fire Chief or Incident Commander;
- 17.1.6** Obstruct a Member from carrying out any function or activity related in any way to Fire Protection;
- 17.1.7** Obstruct or otherwise interfere with access roads or streets or other approaches to any Fire alarm, Fire hydrant, cistern or body of water designated or intended to be used for Fire Protection or any connections provided to a Fire main, pipe, stand pipe, sprinkler system, cistern, or other body of water designated or intended to be used for Fire Protection;
- 17.1.8** Permit a Fire to be lit upon lands that are owned or occupied by that person, or under that person's control except when such a Fire is allowed under this Bylaw;
- 17.1.9** When a Fire is set under the circumstances described in Section 17.1.8 the owner or occupier of the land, or the person having control of the land upon which the Fire is lit does not extinguish the Fire immediately or if unable to extinguish the Fire immediately, report the Fire to the Fire Department.