

## CYPRESS COUNTY

### BYLAW 2020/05

A Bylaw of Cypress County, in the Province of Alberta, for Fire Services.

WHEREAS the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that a Council of a Municipality may pass bylaws for the safety, health and welfare of people and the protection of people and property, and for services provided by or on behalf of the municipality;

AND WHEREAS the Environmental Protection and Enhancement Act, being Chapter E-12 of the Revised Statutes of Alberta, and amendments thereto, provides that the Council of the County will protect the environment and human health.

AND WHEREAS the Forest and Prairie Protection Act being Chapter F-19 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that the Council of the County is responsible for controlling all fires within the municipal boundaries;

AND WHEREAS the Council of Cypress County wishes to establish Fire Services within Cypress County and to provide for efficient operation of such Fire Services.

AND WHEREAS the Council of Cypress County wishes to regulate the use and setting of fires;

AND WHEREAS Bylaw 2018/33 and all amendments thereto are hereby repealed.

NOW THEREFORE the Council of Cypress County, in the Province of Alberta, duly assembled, hereby enacts as follows:

#### **SECTION 1 NAME OF BYLAW**

1.1 This bylaw may be cited as the “Fire Services Bylaw”

#### **SECTION 2 DEFINITIONS**

2.1 In this bylaw:

- a) “Apparatus” means any vehicle, machinery, device, equipment or material used for Firefighting, as well as any vehicle used for transporting firefighters and/or supplies.
- b) “Burning Barrel” means a steel or metal drum no larger than 45 gallons with a heavy gauge metal screen having mesh size no larger than 6 millimetres.
- c) “Chief Administrative Officer” (CAO) means that person appointed to the position and title of Chief Administrative Officer by Council of Cypress County.
- d) “Contained Fire” means a Fire which is totally confined within a non-combustible structure or container and which is vented in such a manner as to preclude the escape of combustible materials such as ash.

- e) “Council” means the Council of Cypress County.
- f) “County” means Cypress County.
- g) “Deputy Fire Chief” means the Deputy to the Fire Chief who may act as the designate on the Fire Chief’s behalf in his or her absence.
- h) “Deputy Station Chief” means the Deputy Chief of a District Fire Station.
- i) “District Fire Station” means any fire Station operated by the County.
- j) “Duty Officer” means a person who is on duty at a scheduled time to assume Incident Command during emergency operations.
- k) “Enforcement Officer” means a member of the Royal Canadian Mounted Police and/or a Peace Officer.
- l) “Equipment” means any tools, contrivances, devices or materials used by the department to combat any incident or emergency.
- m) “Fire” means any combustible material in a state of combustion.
- n) “Fire Chief” shall mean the Emergency & Protective Services Supervisor for Cypress County appointed by the CAO as head of Emergency Services.
- o) “Fire Department” means the Emergency Services Department of Cypress County.
- p) “Fire Guardian” means:
  - i. any individual deemed a Fire Guardian under the Forest and Prairie Protection Act;
  - ii. any individual appointed as a Fire Guardian by Council Resolution in accordance with the Forest and Prairies Protection Act.
- q) “Fire Hazard” means any condition, circumstance or event wherein the possibility of Fire is increased.
- r) “Fire Permit” means a permit issued by a Fire Guardian pursuant to the Forest and Prairie Protection Act or this Bylaw or both allowing for the setting of Fires within the County.
- s) “Fire Protection” means all aspects of fire safety, including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire inspection, public education and information, training or other staff development and advising.
- t) “Incident” means a fire or situation where an explosion is imminent or any other situation where there is danger or a possible danger to life or property or both and to which the Fire Station has responded.

- u) “Incident Command” means the first firefighter to arrive on scene and establish command and assume the role of Incident Command until relieved by the Duty Officer. Incident Command’s responsibility is for the overall management of the incident.
- v) “Incinerator Fire” means a Fire that is contained within a non-combustible structure larger than a 45-gallon drum, container with openings covered with a heavy gauge metal screen having mesh size no larger than 6 millimetres and which is used for the purpose of burning refuse.
- w) “Level of Service” means that level of Fire Protection Services approved by Council as outlined in Cypress County Policy FP 12, Fire Services Level Of Service.
- x) “Member” means any person who is appointed to be a volunteer Paid on Call member of the Fire Service by the Fire Chief.
- y) “Member in Charge” means, in the absence of the Fire Chief, the Officer or Member of the Station in command of the incident
- z) “Outdoor Fire” means any Fire not contained within a building or structure and shall include Fire involving humus soil, piles of coal, farm produce, waste, bush, grass seed, straw or any Fire that has escaped or spread from a building, structure machine, or vehicle and any Fire set for the purpose of thawing frozen ground.
- aa) “Property” means any real or personal Property, which without limiting the generality of the foregoing includes land and structures.
- bb) “Prohibited Debris” means any material that when burned, will result in the release to atmosphere dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but not be limited to materials described as;
  - i. Animal cadavers;
  - ii. Animal manure;
  - iii. Chemicals and chemical containers;
  - iv. Combustible material in automobile bodies;
  - v. Combustible material in automobiles;
  - vi. Household refuse;
  - vii. Non-wooden material;
  - viii. Paints and painting materials;
  - ix. Pathological waste;
  - x. Rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
  - xi. Tires;
  - xii. Used oil; or
  - xiii. Wood or wood products containing substances for the purpose of preserving wood

- cc) “Recreational Fire” means a Fire confined to a non-combustible container, which is set for the purpose of cooking, obtaining warmth or viewing for pleasure. Fire pits shall be no larger than 36”.
- dd) “Running Fire” means a fire burning without being under the proper control of any person.
- ee) “Station Chief” means the Station Chief of a District Fire Station.
- ff) “Structure Fire” means a fire confined to and within any building, structure, machine or vehicle which will or is likely to cause the destruction of or damage to such building, structure, machine or vehicle.
- gg) “Violation Ticket” means a ticket issued for an offence committed against any of the provisions of this bylaw and shall be in the form prescribed by the Provincial Offences Procedure Act being Chapter P-34 of the Revised Statutes of Alberta 2000, and amendments thereto.

### **SECTION 3 FIRE SERVICES**

3.1 Council hereby continues to operate the Cypress County Emergency Services as set forth in this Bylaw for the purpose of:

- a) providing fire protection and rescue services;
- b) preventing, combating and extinguishing fire and incidents;
- c) preserving life and property and protecting persons and property from injury or destruction by fire or incident;
- d) operating apparatus and equipment for the purpose of extinguishing fires or incidents and preserving life and property;
- e) fulfilling obligations under approved Fire Protection Agreements;
- f) providing public education about fire safety;
- g) pre-fire and emergency planning and practice;
- h) providing Medical First Response for medical incidents in conjunction with Alberta Health Services EMS Units; and
- i) providing rescue services.

3.2 Fire Protection Services shall be performed by Cypress County Emergency Services to the Level of Service and in accordance with the Emergency Operating Guidelines, none of which shall be inconsistent with the legislation and regulation of the Province of

Alberta.

- 3.3 Emergency Services shall consist of such members, personnel, buildings, apparatus and equipment as deemed appropriate by Council with the resources made available by Council for the protection of persons and property from Fire and other Incidents.
- 3.4 No part of the Emergency Services, apparatus or equipment shall be used beyond the boundaries of the fire protection area without:
  - a) the express authorization by way of Mutual Aid Agreement or other written Service Agreement or contract authorized by Council providing for the supply of fire protection outside the fire protection area boundaries; or
  - b) the approval from the Emergency Services Supervisor/Fire Chief or Deputy Fire Chief of Cypress County.

#### **SECTION 4 ORGANIZATION AND ADMINISTRATION**

- 4.1 Cypress County Emergency Services shall consist of a Fire Chief, Deputy Fire Chief, Officers, Members, buildings, apparatus and equipment as deemed necessary by Council to protect people and property and provide rescue services.
- 4.2 The CAO shall appoint the Fire Chief who is responsible for the fire service activities described in this Bylaw.
- 4.3 The Fire Chief has the authority, duties and responsibilities as established under this Bylaw, and any other applicable federal, provincial or municipal legislation, bylaw, policies or procedures.
- 4.4 The Fire Chief has complete responsibility and authority over Fire Services, subject to the direction and control of the CAO. In particular, the Fire Chief has the authority to direct the Fire Services and its members to carry out all fire protection service activities in accordance with this Bylaw, and any other applicable federal, provincial or municipal legislation, bylaws, rules, policies or procedures.
- 4.5 Subject to the approval of the CAO, the Fire Chief may establish policies and procedures as necessary for the proper organization and administration of the fire services including, but not limited to:
  - a) appointment of Deputy Fire Chief,
  - b) appointment of Station Chiefs, Officers and Members in a station,
  - c) use, care and protection of fire service property;
  - d) conduct, performance and discipline of members;
  - e) efficient operations of the fire service;

- f) member training; and
  - g) establishing, implementation and execution of Emergency Operating Guidelines.
- 4.6 The Fire Service and its members shall comply with any and all policies established by Council pertaining to Emergency Services and all such policies and procedures shall be consistent with applicable legislation and regulations in force in the Province of Alberta.

## **SECTION 5 FIRE OFFICER AND MEMBER APPOINTMENT AND RESPONSIBILITY**

- 5.1 Fire Officers shall be appointed by the Station Chief and in accordance with Cypress County Policy FP 01, Volunteer Fire Departments, and shall have all the authority, duties and responsibilities outlined in Cypress County Policy FP 01.
- 5.2 Members shall be appointed to the fire service in accordance with Cypress County Policy FP 01 and shall have all duties and responsibilities outlined in Cypress County Policy FP 01.

## **SECTION 6 POWERS OF INCIDENT COMMANDERS**

- 6.1 The Incident Commander shall have control, direction and management of any fire service apparatus, equipment, members or manpower assigned to an incident. He or she shall continue to act in that role until relieved by an Officer authorized to do so or until the event has ended.
- 6.2 The Incident Commander may at his or her discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her.
- 6.3 The Incident Commander is empowered to enter and to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an incident, including:
- a) pass through or over buildings or property adjacent to an incident and to cause members and the apparatus and equipment of the fire service to enter or pass through or over the building or property;
  - b) order the evacuation of any building or area which is directly or indirectly involved in an incident;
  - c) cause a building, structure or thing to be pulled down, demolished or otherwise removed; and
  - d) upon extinguishment of a fire or resolution of an Incident, access, enter, pass through or over buildings or property adjacent to a fire or incident and cause a building, structure or thing to be pulled down, demolished or otherwise removed in accordance with the Safety Codes Act, R.S.A. 2000, c.S-1, as amended and any regulations thereto.

## **SECTION 7 FIRE PROTECTION SERVICE AGREEMENTS**

- 7.1 All Fire Protection Service Agreements shall be negotiated by the Fire Chief and shall be approved by the CAO and Council. Council may in its sole discretion amend any Fire Protection Service Agreement.
- 7.2 Subject to Council's discretion, all Fire Protection Service Agreements must contain the following provisions:
- a) the jurisdiction of the Fire Chief extends throughout the boundaries of the County, including the designated service area;
  - b) the Fire Chief is authorized to designate the rights and responsibilities of any person providing services to the County under a Fire Protection Service Agreement;
  - c) the level of service provided by any contracted party must be equal to or better than the level of service established by the County for the designated service area;
  - d) the Emergency Operating Guidelines of any contracted party must be equal to or better than the Emergency Operating Guidelines of the County for the designated service area;
  - e) apparatus and equipment under the direction and control of a contracted party shall only be used within the designated service area; and
  - f) the County may set fees that contracted parties may charge for the provision of fire services protection within the designated service area.

## **SECTION 8 FIRE GUARDIANS**

- 8.1 Each year before the first day of March, Council shall appoint a sufficient number of Fire Guardians to enforce the provisions of the Forest and Prairie Protection Act and this Bylaw within the boundaries of the County.
- 8.2 There shall be a minimum of one (1) Fire Guardian appointed for each fire protection area identified as the Station Chief or the designate. Incident Commanders may also be appointed as a Fire Guardian.
- 8.3 Council may limit the authority and power of the Fire Guardians through resolution.
- 8.4 Powers of a Fire Guardian shall be outlined in the Forest and Prairie Protection Act.

## **SECTION 9 FIRE PERMITS**

- 9.1 From April 1 to October 31 of each year, Cypress County will be under a fire restriction. However, fire permits may be issued at the discretion of the Chief Administrative Officer, or the designate, to accommodate additional opportunities when conditions are deemed appropriate. The Chief Administrative Officer, or the designate, upon

consultation with the Fire Chief, may also rescind fire permits and re-implement the fire restriction when conditions require.

- 9.2 The Chief Administrative Officer shall assign administrative staff for the purposes of accepting and processing fire permits only.
- 9.3 Permits will be issued to the public from November 1 to March 31, subject to the discretion of the Fire Chief or designate.
- 9.4 In addition to any fire permit required under the Forest and Prairie Protection Act, an additional Fire Permit shall be required under this Bylaw. Any fire permit issued pursuant to the Forest and Prairie Protection Act during the fire season, shall be deemed for all purposes to be a fire permit issued pursuant to this Bylaw.
- 9.5 An application for a fire permit for any fire other than recreational or incinerator fires, shall be made to a Fire Guardian. The Fire Guardian shall consider the application and having done so may, in his or her absolute discretion, issue or deny the applicant a fire permit.
- 9.6 When issuing a fire permit a Fire Guardian may issue the fire permit unconditionally or he or she may impose conditions considered appropriate.
- 9.7 Fire permits issued pursuant to this Bylaw are valid for such period as shall be determined and set by the Fire Guardian issuing the Permit. The fire permit shall have endorsed thereon the period of time for which the permit is valid. The Fire Guardian may extend the period of time for which the fire permit is valid if the fire permit has not expired.
- 9.8 The Fire Guardian may suspend or cancel at any time a fire permit, and on receiving notice of the suspension or cancellation, the person concerned shall immediately extinguish any fire set pursuant to their fire permit.
- 9.9 The regulations and guidelines for issuing a Fire Permit are outlined in the Forest and Prairie Protection Act.

## **SECTION 10 FIRE RESTRICTION AND FIRE BAN**

- 10.1 From time to time as conditions dictate the County may impose a full or restricted ban upon open fires within Cypress County.
- 10.2 These restrictions or bans shall be imposed by the Fire Chief or designate, based on input and information from the District Fire Station Chiefs, Environment Canada, Alberta Agriculture and Forestry and other municipalities.
- 10.3 When a restriction or ban is imposed, shall state the time and date it comes into effect and the County shall post the fire ban information through social media, local media outlets and on the Alberta Fire Ban website.



- 10.4 Fire restrictions or bans, may be lifted or modified by the Fire Chief or designate based on input and information District Fire Station Chiefs, Environment Canada, Alberta Agriculture and Forestry.
- 10.5 Fire restrictions or bans will include all areas within Cypress County.
- 10.6 Special provisions may be granted during a fire restriction or ban for a fire permit if;
  - a) an inspection has been completed by the Emergency Services Supervisor/Fire Chief or Deputy Fire Chief;
  - b) there is sufficient evidence that a controlled burn is necessary to uphold the livelihood of the permit holder;
  - c) there is adequate fire suppression on site, with no less than 500 gallons of water,
  - d) the permit holder complies with the rules set forth by the Fire Chief or Deputy Fire Chief;
  - e) circumstances are warranted, at the discretion of the Fire Chief or Deputy Fire Chief;
  - f) for the purpose of training Fire Department members.

## **SECTION 11 RECOVERY OF FIREFIGHTING COSTS**

- 11.1 When Cypress County Fire Department takes any action whatsoever, for the purpose of extinguishing a fire or responding to a fire call or incident in or outside the County or for the purpose of preserving life or property from injury or destruction by fire or any other incident on land within or outside of the County, including any action taken by the Fire Department on a false alarm, the Emergency Services Supervisor may in respect of any costs incurred by the Department in taking such action, if the Emergency Services Supervisor in consultation with the Chief Administrative Officer or designate feels that proper grounds for doing so exist:
  - a) charge any costs so incurred to the owner or occupant of the land in respect of which the action was taken.
  - b) charge any costs so incurred to any other person who causes or contributes to the fire.
- 11.2 The costs and fees to be charged by the Department for services rendered pursuant to this Bylaw shall be determined by Council by resolution from time to time, as per Schedule “B”.
- 11.3 In the event that the owner or occupant of any land within the County shall feel aggrieved by any action taken by the Fire Chief pursuant to Section 11.1, such owner or occupant shall have a period of thirty (30) days from the date of mailing notice of the action taken by the Fire Chief to appeal to Council the action taken by the Fire Chief and the decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and shall not be subject to any further appeal.
- 11.4 In the respect of land within the County, in the event that the amount levied by the Fire Chief shall be not paid within sixty (60) days after the mailing of a notice by the Fire Chief pursuant to Section 11.1, or in the event of an appeal, within sixty (60) days of the date of mailing of the decision of Council on the appeal, the amount levied and unpaid shall be charged against the land upon which the fire was started as taxes due and owing

in respect to that land.

- 11.5 For those instances where the costs of fire services may not be recovered from the attachment of fees to the taxes, the County may upon the recommendation of the Chief Administrative Officer or designate, pursue payment through any other means it deems necessary, including civil action.

## **SECTION 12 SUMMARY CONVICTIONS**

- 12.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine not less than five hundred (\$500) dollars or as otherwise specified under Schedule “A”, exclusive of costs.
- 12.2 Any person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

## **SECTION 13 NOTICE**

- 13.1 Any notice provided for in this Bylaw shall be in writing.
- 13.2 Service of any notice provided for in this Bylaw may be made as follows:
- a) personally upon the person to be served; or
  - b) by mailing the copy to the person to be served by registered mail to the last known post office address of the person to be served, and service shall be deemed 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
  - c) where the Property is not occupied, by mailing the notice by registered mail or certified mail to the mailing address noted on the County tax roll for the Property, and service shall be deemed 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
  - d) as directed by the Court.

## **SECTION 14 LIABILITY**

- 14.1 The Fire Chief, District Station Chiefs, Members or Fire Guardians of Cypress County are not liable for loss or damage caused by anything said, done, omitted or to be done in the performance or intended performance of their functions, duties or powers unless the Fire Chief, Member, District Station Chief or Fire Guardian was dishonest, grossly negligent or guilty of wilful misconduct.

## **SECTION 15 SEVERABILITY**

- 15.1 Should any section or part of this Bylaw be found to have been improperly enacted or ultra vires, 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 section found to be improperly enacted had not been enacted as part of this Bylaw.

## SECTION 16 PROHIBITIONS

- 16.1 No person or vehicles shall enter the boundaries or limits of an area prescribed in accordance with Section 6.2 unless that person has been authorized to enter by the Fire Chief or Member in Charge.
- 16.2 No person shall impede, obstruct or hinder a Member of the Fire Service or other person assisting or acting under the direction of the Fire Chief or Member in Charge.
- 16.3 No person shall obstruct a Member from carrying out duties imposed by this Bylaw.
- 16.4 No person shall falsely represent him/herself as a Member of Cypress County Emergency Services, or wear or display any Fire Service badge, cap, button, insignia or other paraphernalia for the purpose of false representation.
- 16.5 No person shall obstruct or otherwise interfere with Highways, access roads or streets or other approaches to any Incident, fire alarm, fire hydrant, cistern or body of water designated for firefighting purposes or any connections provided to a fire main, stand pipe, sprinkler system, cistern or other body of water designated for firefighting purposes.

## SECTION 17 OFFENCES

- 17.1 No person shall:
  - a) light any fire unless:
    - (i) that person is the holder of a subsisting Fire Permit;
    - (ii) that person follows and is in full compliance with the conditions specified on the Fire Permit;
    - (iii) the Fire is an Incinerator Fire;
    - (iv) the Fire has been set by the Department for the purpose of training Department members;
    - (v) the Fire is a Recreational Fire;
    - (vi) the Fire is a controlled burn in a County waste transfer site set or directed to be set by the County;
  - b) permit any fire to be lit upon land that is owned or occupied by that person, or under that person's control except when such a Fire is allowed under this Bylaw;
- 17.2 No person shall:
  - a) light a Fire when the conditions are conducive to creating a Running Fire;
  - b) light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control **at all times**;
  - c) light an outdoor fire when any fire hazard or burning hazard is conducive to

- readily escaping out of control;
  - d) 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;
  - e) deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire;
  - f) 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;
  - g) use a Fire to burn:
    - (i) material that will result in the production of thick black smoke.
    - (ii) herbicides, pesticides or other toxic materials or substances.
    - (iii) materials prohibited under the Air Emissions Regulation of the Environmental Protection and Enhancement Act.
  - h) conduct any activity that involves the use of a Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any Highway as defined in the Traffic Safety Act R.S.A. 2000 Chapter T-6;
  - i) light a Fire on lands owned or controlled by the County except with the County's express written consent or if a Recreational Fire, in fireplace or campfire pit provided by the County for that purpose;
  - j) light a Fire in an area that is subject to a fire restriction or ban.
- 17.3 When a fire is lit under the circumstances described in Section 17.2, the owner or occupier of the land or the person having control of the land upon which the fire is lit shall:
- a) extinguish the fire immediately, or
  - b) where he or she is unable to extinguish the fire immediately, report the Fire to the Department.
- 17.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee kindle a fire and let it become a running fire on any land not his own property, or allow a running fire to pass from his property to the property of another.
- 17.5 With the exception of recreational fires or incinerator fires, no person shall conduct open burning within **15 metres** of a structure and property boundaries.
- 17.6 No person shall allow property which they own or occupy to become a fire hazard through either:
- a) the accumulation of combustible materials

- b) lack of maintenance to the property or the structures upon it.
- c) any other contravention of municipal, provincial or federal regulations.

17.7 No person shall:

- a) provide false, incomplete or misleading information on or with respect to the Fire Permit application.
- b) interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property.
- c) interfere with the Departments equipment or apparatus required to extinguish fire or to preserve life and property.
- d) damage or destroy the Departments property.
- e) falsely represent himself as a Member, or wear or display any emergency services badge, cap, button, insignia or other paraphernalia for the purposes of false representation.

**SECTION 18 FIRE WATCH**

- 18.1 County mowers shall always have a fire suppression unit following the mowers as a fire watch.
- 18.2 Contract mowers shall always have a fire suppression unit following the mowers as a fire watch.
- 18.3 County and Contract fire suppression units shall have no less than 200 gallons of water for fire suppression and shall always be manned.

**SECTION 19 APPEAL**

- 19.1 Any person who considers him or herself aggrieved by a written order give pursuant to this Bylaw may appeal the direction to the Council under the terms of the Municipal Government Act.

**SECTION 20 PENALTIES**

- 20.1 Every person who violates a provision of this Bylaw who is guilty of an offense is punishable upon summary conviction to a fine no less than five hundred dollars (\$500) and not exceeding ten thousand dollars (\$10,000) or imprisonment, not exceeding one (1) year or both.
- 20.2 Where an Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw they may commence proceedings

by issuing a summons by means of a violation ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, Chapter P-34.

- 20.3 The specified penalty in respect of a contravention of this Bylaw is the amount set out in Schedule “A” of this Bylaw.
- 20.4 Pursuant to Section 27(2)(d) of the Provincial Offences Procedure Act, if the summons issued by the Enforcement Officer under Section 19.2 so provides, the person named in a summons may make a voluntary payment in the specified amount set out in Schedule “A” of this Bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.

## **SECTION 21 AMENDMENTS**

21.1 Schedules “A” and “B” can be amended by resolution of Council from time to time as required.

Read a first time this 24<sup>th</sup> day of March, 2020.

Read a second time this 24<sup>th</sup> day of March, 2020.

Read a third time and finally passed this 24<sup>th</sup> day of March, 2020.

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Reeve

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Chief Administrative Officer

**SCHEDULE A**

**CYPRESS COUNTY'S SPECIFIED PENALTIES, All Penalties Are Exclusive of Costs**

| <b>Offence Under</b> | <b>Offence</b>   | <b>Amount of Fine (\$)</b> |
|----------------------|--|----------------------------|
| 17.1 (a)(i)          | Lighting any outdoor fire without a fire permit.   | 1000.00                    |
| 17.1 (a)(ii)         | Failure to follow the conditions specified on the Fire Permit.   | 1000.00                    |
| 17.2 (a)             | Lighting a fire when the conditions are conducive to creating a Running Fire.  | 1000.00                    |
| 17.2 (b)             | Lighting an outdoor fire without first taking sufficient precautions to ensure the fire can be kept under control at all times.                                  | 1000.00                    |
| 17.2 (c)             | Lighting an outdoor fire when any fire hazard or burning hazard is conducive to readily escaping out of control.   | 1000.00                    |
| 17.2(d)              | Failure to prevent a fire from becoming a running fire or from spreading onto property other than his/her own.   | 1000.00                    |
| 17.2(e)              | Deposit, discard or leave burning matter or substance where it might ignite other materials and cause a fire.  | 500.00                     |
| 17.2(f)              | Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire.  | 500.00                     |
| 17.2(g)              | Burning prohibited debris.   | 1000.00                    |
| 17.2(h)              | Smoke from fire impeding visibility of vehicular traffic on a Highway or any road in Cypress County.   | 1000.00                    |
| 17.2(i)              | Lighting a fire on lands owned or controlled by the County, except for recreational fire in a fireplace or campfire pit provided by the County for that purpose. | 1000.00                    |
| 17.2(j)              | Lighting a fire during a fire restriction or ban.  | 1000.00                    |
| 17.3(a)              | Failure to immediately extinguish a fire lit under the circumstances described under Section 17.   | 1000.00                    |
| 17.4                 | Allowing a fire to become a running fire or let a running fire pass from his/her property to the property of another.  | 2500.00                    |
| 17.5                 | Conducting burning within 15 meters of a structure or property line.   | 500.00                     |
| 17.6                 | Allowing a Property to become a Fire Hazard.   | 1000.00                    |
| 17.7 (a)             | Providing false, incomplete or misleading information on a fire permit.  | 500.00                     |
| 17.7(b)              | Interfere with the efforts of a person authorized in this Bylaw to extinguish fire or to preserve life and property.   | 1000.00                    |
| 17.7(c)              | Interfere with Fire Departments equipment or apparatus required to extinguish fires or to preserve life and property.  | 1000.00                    |
| 17.7(d)              | Damage or destroy the fire departments property.   | 1000.00                    |
| 17.7 (e)             | False representation of a fire department member.  | 1000.00                    |

\*Criminal Code of Canada may apply to penalties. Violators may be subjected to imprisonment in accordance to the Canadian Criminal Code.

**Penalties for Third and Subsequent Offences.** The penalty for a third offence shall be double the amount of the penalty for a second offence. The penalty for all subsequent offences shall be double the amount of the previous offence to a maximum of \$10,000.00 for each offence.

Example: Lighting any outdoor fire without a fire permit.

- First Offence \$1000.00
- Second Offence \$2000.00
- Third Offence \$4000.00



## **SCHEDULE B**

### **FIRE PROTECTION SERVICES FEES**

1. Fire apparatus shall be billed for as per Cypress County Master Rates Bylaw, with the exception of mutual aid apparatus which will be billed for at the responding agency's mutual aid rate.
2. Any other fire related cost including but not limited to heavy equipment, water trucks, and investigation costs, may be billed at the County's cost for providing the service.