



Association of Summer Villages of Alberta



# ASVA Fire Bylaw Guide

*A Reference Guide to the ASVA Fire Bylaw  
Template*



Association of  
**SUMMER VILLAGES**  
OF ALBERTA

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**2/14/2017**

## Note to Users

The Association of Summer Villages requests users of the Fire Bylaw Template and the Fire Bylaw Reference Guide to recognize the Association of Summer Villages of Alberta as the developer with CPP Environmental Corp. and Integrated Emergency & Safety Services Inc. as the authors and the Forest Resource Improvement Association of Alberta as providing the funding for the project.



*Charette  
Pell  
Poscente*



## Abstract

This document is a reference guide to the Fire Bylaw Template developed by the Association of Summer Villages of Alberta. This guide provides a summary of each section of the Fire Bylaw Template. Where applicable, options are provided, as there may be multiple considerations for implementation of the Bylaw specific to a Summer Village. Links to references are provided.

## Fire Bylaw Development

Intent is to provide input on options for individual Summer Village Bylaw development based on the Fire Bylaw template provided. Rational on some sections and components is also provided.

The type of fire protection arrangement the Summer Village utilizes is an important factor as to how the Fire Bylaw is written. The Bylaw provides part of the foundation of the fire protection and suppression strategy. The roles and responsibilities of the key components (fire dept., enforcement) of the Bylaw need to be clearly documented as it forms the legal framework for the Summer Villages' fire protection services.

## Summer Village Bylaw Enactment

Section 7 of the Municipal Government Act sets out the general jurisdiction to pass bylaws. This general jurisdiction gives broad authority to municipalities to develop bylaws unique to each municipality.

Councils are expected to act in good faith and in the public interest when creating laws. Fire protection within the community can be achieved through written Bylaw encouraging safe behaviours, preventative measures, enforcement procedures and cost recovery; all for the general health and welfare of the people.

## Legislative Reference "Whereas"

The Municipal Government Act is the prominent overarching piece of legislation that governs the implementation of a municipal Bylaw. This is identified in the initial "whereas."

Some municipalities utilize components of the Forest and Prairie Protection Act to structure a fire protection Bylaw. An example of this would be the establishment of "Fire Guardians." This piece of legislation could be added to the "and whereas."

AND WHEREAS The Forest and Prairie Protection Act, Section 21(1), Fire Control Orders, sets out the conditions for the Minister to order suspension or cancellation within any part of Alberta all fire permits or prohibit the lighting or require the extinguishing of a fire set other than under the authority of a permit.

Some Summer Villages engage in contracted service agreements with other municipalities for the provision of emergency services (fire dept.). In these cases the Fire Bylaw would reference this agreement, or the service provider's Bylaw would be adopted.

WHEREAS the Council of the Summer Village of XXXXX wishes to establish a Regional Fire Service within XXXXX and to provide efficient operation of such fire service to XXXXX residents.

Contracted services accredited by the Safety Codes Council will require provisions in the respected Bylaw to align with the provisions of the specific Codes. The Alberta Safety Codes Act provides legislation for the implementation of municipal based code enforcement (Fire Code, Building Code etc.). The Summer Village would be required to become an Accredited Municipality, or engage in a contractual agreement with a provider which is accredited. If this was the case the Summer Village

would reference the Safety Codes Act as a “and whereas.”

AND WHEREAS the Safety Codes Act, R.S.A. 2000, c. S-1, enables an accredited municipality to make Bylaws respecting fees for services provided pursuant to the Act and carrying out its powers and duties as an accredited municipality;

AND WHEREAS the municipality is, or has services of an accredited municipality under the Safety Codes Act;

## Section 2 Definitions

Bylaws must meet general statutory and fundamental principle standards: to be understandable, enforceable, and accomplish the council's desired goal. This should be done through plain and simple language to ensure that concepts are easily understood and enforced. Words and phrases that have more than one meaning should be defined within the bylaw. Some definitions provided would be optional, dependent on the specific components utilized (Accredited Municipality, Fire Guardians etc.).

The Fire Bylaw template is written to grant authorities to the Fire Department. If the Summer Village is granting authorities to Council members for the administration or enforcement of the Fire Bylaw, the following definition for “Officer” must also be included:

“Officer” means a Designated Officer of the Summer Village of XXXXXXXX whose authority includes inspections and enforcement of Summer Village of XXXXXXXX bylaws;

In the Fire Bylaw template, the definition of “Fireworks” was referenced to the definition provided in the Alberta Fire Code 2014. By referencing the Alberta Fire Code definition, the ASVA Fire Bylaw will not be out of date if the definition in the provincial Fire Code is amended.

The Alberta Fire Code definition of “Fireworks” is:

“Fireworks” mean those fireworks listed in Class 7, Division 1 and Class 7 Division 2 Subdivisions 1 & 2 in Section 14 as defined by the Explosives Act, R.S.C E-15 and Explosive Regulations C.R.C. c599.

## Section 3 & 4 Fire Guardians

Reference to Fire Guardians is an option to annually appoint community members to enforce the Fire Bylaw and monitor community fire safety. For clarity appointing Officer’s, fire department supervisors/ leaders as defined, also as Fire Guardians, ensures consistency of responsibility authorizing powers assigned by the Bylaw. The appointing of none-fire department Guardian may not be required if there is a municipal fire service provider readily available. The extent of use of the positions would depend on the degree of responsibility that is dictated by the Bylaw, which ultimately is determined by the structure of emergency services and enforcement in the municipality.

4(2)Each year before April 1 the council of a municipal district shall appoint, for a term not exceeding one year with effect from the beginning of April, a sufficient number of fire guardians to enforce this Act within the boundaries of the municipal district.

(3)The chief elected official, each councillor and the chief administrative officer are by virtue of their offices fire guardians in and for the municipal district.  
(Forest and Prairie Protection Act, 2000, Chapter F-19)

## Section 5 & 6 Fire Department

Defining the purpose of the municipal fire service provides clarity as to the functions, responsibilities and designated powers. Fire Services are often relied upon for more than just firefighting; responding to “all hazards”, such as rescue, hazardous materials and medical incidents, is very much common practice. The fire service provider may function entirely under the terms of the Bylaw or, in the case of an Accredited Municipality, may designate Safety Codes Officers for enforcing the fire code through the Safety Codes Act.

The Fire Service provider may be required to write enforcement tags or tickets. If this is the case in the Summer Village, the designated Officer term may be used to define the responsibility party within the Fire Service.

## Section 7 Requirement to Report

Fire safety and safety in general within a Village is dependent on many variables. The requirement to report a fire that has been extinguished is important. Reporting ensures proper investigation of cause is completed, that the fire hazard/cause has been definitively mitigated, and statistical data is accurately recorded. This is also the case for hazardous materials incidents, where the extent of an incident is often under estimated. Ensuring the highest level of environmental and community safety precautions are taken is essential.

## Section 8 Fire Protection Charges

The Municipal Government Act clearly outlines the use of tax roll to recover charges. This process is likely the most efficient and effect means to recover fines. The escalation of fines through the provincial legal system is time consuming and costly.

Municipal Government Act - Adding amounts owing to tax roll:

553(1) A council may add the following amounts to the tax roll of a parcel of land:

(g) if the municipality has passed a bylaw making the owner of a parcel liable for expenses and costs related to the municipality extinguishing fires on the parcel, unpaid costs and expenses for extinguishing fires on the parcel;

## Section 9 Control of Fire Hazards

The preventative measures that exist within best practice guidelines and provincial legislation can be applied to a Fire Protection Bylaw. Many of these respective documents (generally) refer

to accumulation of combustible material, unsafe demolition of buildings, lack of fire safe work, and lack of preparation for a potential fire.

Example: 1) Construction Fire Safety Guidelines – Alberta Fire Code

It is unlawful to start construction, renovation, and demolition without a fire safety plan. If you begin without a plan in place, you may be ordered to stop work, ordered to remove work already done, or prosecuted.

2) Order to reduce or remove hazard - Forest and Prairie Protection Act

26(1) Where a forest officer finds on any land conditions that are considered to constitute a fire hazard or a burning hazard, the officer may order the owner or the person in control of the land on which the hazard exists to reduce, remove, or eliminate the hazard within the time and in the manner that the officer orders.

## Section 10 Permitted and Prohibited Fires

Fire within a municipality is only lawful when considered “recreational”: enjoyed for the means of cooking, warming, etc. Any other use of fire must be permitted determining the material, location, volume, and extent of burning that may take place. The intent is to educate the permit holder as to the steps that should be taken to ensure safe burning (e.g. wind speed etc.).

The Fire Bylaw template implies that recreational fire pits cannot be used for waste disposal. Burning of large volumes of organic materials is considered an activity that would require a fire permit because of the risk of fire spread, spotting, difficulty to control and smoke. In addition the Environmental Protection and Enhancement Act prohibits substances that cannot be burned in Alberta: [http://www.gp.alberta.ca/570.cfm?frm\\_isbn=9780779793709&search\\_by=link](http://www.gp.alberta.ca/570.cfm?frm_isbn=9780779793709&search_by=link) .

## Fireworks

Municipalities have the ability through bylaw to make policy decisions and develop systems which guide fire departments in allowing sales and authorizing discharge of fireworks. There are a number of communities that have separate Bylaws dedicated to Fireworks. In some cases fireworks are disallowed unless the individual in possession has a Fireworks Operator Certificate, issued by the Government of Canada, under the Explosives Act. Fireworks bylaws may dictate specific time frames throughout the year that restricting sales to daytime and/or weekday hours.

Where elected officials of the municipality have made the policy decision to allow the storage, sale, and use of low hazard fireworks, the provisions of the Alberta Fire Code that apply to the sale, storage and use of fireworks can be found in Division B, Parts 2, 3 and 5. Further explanation of municipal fireworks related questions can be found in the Alberta Fire Commissioners Standata, “Low-Hazard Fireworks – permits, storage and display, FCI- 10-0, May 2010.

Examples of specific Fireworks Bylaws developed by Municipalities can be reviewed for reference:

Town of Barrhead Bylaw 2014-03 A Bylaw to regulate, classify and control the sale and use of Fireworks <http://www.barrhead.ca/sites/default/files/03-2014%20Fireworks%20Bylaw.pdf>

Town of Cochrane Bylaw 01/2014A Bylaw for the purpose of regulating Fireworks within the Town of Cochrane. <https://www.cochrane.ca/DocumentCenter/View/972>

## Section 11 Fire Pits, Outdoor Fireplace and Stationary Barbecues

Guidelines for the recreational use of fire pits, outdoor fireplaces, and barbecues are generally consistent across the province. In some cases backyard recreational fire pits require permits to ensure they meet Bylaw. There are a number of new styles of portable fire receptacles, and also liquefied petroleum gas fireplaces that are popular. Some have been deemed dangerous, as they are not CSA approved. There are municipalities that regulate recreational fire pits based on hours of the day and wind speeds.

## Section 12 Fire Bans

Fire bans are essential for the safety of the community. Regional environmental conditions require regional precautions. Designating who determines when the ban goes into effect and when it ends should be clearly determined in a Fire Bylaw. The means in which a fire ban is communicated is critical and should be determined through policy. Fire hazard conditions are often identified through signage indicating low, medium, high, extreme, and ban style signs. It may be effective to have a plan in place to have reciprocal agreements with neighboring municipalities as to the need for a fire ban. There is a provincial website that lists fire bans that can be used to aid municipalities, <https://www.albertafirebans.ca/>.

## Section 13 General Offenses

Clearly identifying offences is critical to determine how offenses are documented and ticketed. Fire services operations interference is clearly determined as it is essential to allow the prompt mitigation of a fire. Some municipalities have directly corresponding monetary penalties to the listed offences.

## Section 14 Permitting

The permitting process utilized and defined in a Bylaw is unique to the municipality's resources, governance structure, and enforcement arrangements. Focus should be on educating people, and encouraging responsible and safe behaviour. This can be achieved through many different means: requiring fire department (or fire guardians) to personally complete permits, requiring residents to agree to Bylaw requirements online, or by designated offices hours for in-person

application. The types of fires approved through permit are municipality dependent, often requiring case-by-case condition, and sometimes site assessments by the fire service.

The permitting process is evolving to online electronic formats in many municipalities. Limited resources can be overcome through shared online means of permit processing. Step by step permit approval processes focus the applicant's attention on the safety considerations the Summer Village wishes to emphasize. Checking off of legal responsibility for the material presented in the permit application process ensures the applicant is aware of all conditions.

## Section 15 Penalties

The intent of a Fire Bylaw is to set parameters, encourage responsible burning and educate the community. Permitting processes offer the means to educate during the process of completing a permit. Indicating key concepts such as safety considerations and penalties in the form of fines in the permit process could be helpful.

The definition of penalties needs to be concise. Penalties can be directly correlated with the determined offences identified in Section 10. Clear common language needs to be used to negotiate between Bylaw Sections, with supporting consistent definitions, ensuring that documented penalties are clear. Some municipalities have in place a process for penalties to be grieved through a hearing ruled on by Council.

## Section 16 Enforcement

Municipal administration has the means to enforce Bylaws through the issuing of a "Violation Tag". The tag will indicate the section of the Bylaw that is being enforced and the means to comply with the penalty. In the event the violation tag is not paid within the prescribed time period a Peace Officer can authorize a Violation Ticket as per the Provincial Offences Procedure Act.

## Best Practice Guidelines

The evolution of best practices never slows; the available literature and science that may assist decision makers is vast. The National Fire Protection Association (NFPA) is a widely accepted resource for fire prevention, safety, training and response.

- NFPA 1141 standard is designed for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas.
- NFPA 144 standard is designed for Reducing Structural Ignition Hazards for Wildland Fire

The Canadian Building Code and Fire Codes are the parent documents to the Provincial Codes. These codes undertake regular revisions, although struggle to keep up with the rate of change in the industry. Fire Smart© Canada is another example of comprehensive industry best practice guideline developed to protect communities from Wildfire.

These industry best practice guidelines suggest a number of different strategies for protecting your community, many of which overlap. An example of some of the strategies would be:

- Secondary community access/egress
- Road width standards to facilitate fire department vehicles
- Turn arounds
- Fire lanes
- Lock boxes
- Gate width and key access
- Fire Resistant Roof material
- Community routing maps
- Property addressing (sign) standard

Many of these suggestions have a direct impact on the effectiveness of fire prevention and mitigation strategies; the question is, are these standards more effective in a Land Use Bylaw, or a Municipal Development Bylaw verses a Fire Bylaw? Either way the tools are available for decision makers to develop their own set of Bylaws to best suit their community.