



REQUEST FOR DECISION

Meeting: Regular Council Meeting

May 1, 2023

Agenda Item: 5.2

FIREWORKS BYLAW – PROPOSED #1372/23

PURPOSE:

To ensure that Council has consensus for the intent of the fire bylaw updates as presented prior to proceeding with first and subsequent formal readings.

BACKGROUND:

At the January 30, 2023 Committee of the Whole of Council Meeting, concepts were discussed in regards to the Fire Bylaw #1204 update to ascertain Council's direction in regards to the use of fireworks within the Town of Nanton. The following direction was included in the proposed bylaw:

RECOMMENDATION # 3 – 23/01/30 – CW – Dozeman

That Council include provisions within the updated Fire Services Bylaw, currently under review, for:

- *the prohibition of consumer fireworks discharge within the Town of Nanton, and*
- *clarification on processes for permitting Display fireworks and pyrotechnical displays within Nanton*

CARRIED

The Chief Administrative Officer sent the draft for legal review – the legal recommendations for changes and the consensus of the Committee of the Whole have been integrated into this proposed bylaw for review by Council before consideration of first reading.

While the prohibition of consumer fireworks has not been specifically stated, as the intent is still to accommodate fireworks displays, such as our annual August long weekend display, a process was still necessary to clearly define the parameters for such events. The provisions presented in this bylaw does limit the use of any category of fireworks to specific "Public Use Districts", and further ensures that only those persons licensed under Explosives Act of Canada will be permitted to discharge fireworks.

Fire pits have also been specifically addressed within this bylaw to ensure that the Town is, at the minimum, in compliance with the National Building Code.

ADMINISTRATIVE RECOMMENDATION:

Proceed with first reading as Administration (in consultation with the Fire Chief) has incorporated Council's direction and completed implementation of the legal review obtained for this bylaw.

The now limited number of Fire fees and rates have been included in this bylaw as a schedule, versus inclusion in the Town of Nanton fees and rates bylaw, as the fees in the previous bylaw were primarily related to fires outside of the Town of Nanton. Those fees and rates may fit in better with the Regional Fires Services Agreement with our Intermunicipal Collaboration Framework partners.

DECISION OPTIONS:

#1 – Bring forward any amendment suggestions and proceed with first reading of the bylaw, as presented.

Move to read Town of Nanton Fire Bylaw #1372/23, a bylaw for the purpose of providing fire protection and fire prevention in and for the Town of Nanton, for a first time.

#2 – Consider the proposed bylaw for first reading at the May 2023 Regular Council Meeting – allows additional time for review; however, delays the process for final passing of the bylaw

Financial (GL# / Amount) : N/A

Communications/PR: Information will be made available for the public regarding fire pits and use of fireworks online and as handouts.

Applicable Legislation: as noted within the definitions of the proposed Bylaw #1372/23

Attachments: Information Brief of January 30, 2023 Committee of the Whole Meeting and proposed Bylaw

Prepared By: Lisa Lockton, Legislative Services Manager **Date:** April 27, 2023.



APPROVED BY: Neil Smith, Chief Administrative Officer:

NANTON STRATEGIC PLAN ALIGNMENT			
<input type="checkbox"/>	OPERATIONS	<input checked="" type="checkbox"/>	EMERGENCY SERVICES
<input type="checkbox"/>	PLANNING & DEVELOPMENT	<input type="checkbox"/>	COMMUNITY & ECONOMIC
<input checked="" type="checkbox"/>	GOVERNANCE & CORPORATE SERVICES	<input type="checkbox"/>	NOT APPLICABLE
PRIORITY OR ACTION: Updates current municipal regulations regarding fire services.			



INFORMATION BRIEF

Meeting: Committee of the Whole

January 30, 2023

Agenda Item: 3.5

FIREWORKS BYLAW

Background:

The Chief Administrative Officer has prepared a draft for an update to the Fire Services bylaw #1204 from 2009. In discussions with the Fire Chief and Legislative Services, it was noted that the use of fireworks within Nanton may require further information.

The current Town of Nanton Fire Bylaw includes the information for fireworks which reads as follows:

SECTION 14 FIREWORKS:

- 14.1 *No person shall use Fireworks or permit the use of Fireworks on his or her property or property under his or her control, within the boundaries of the Town.*
- 14.2 *Subject to Section 14.1, authorization for Fireworks will only be issued for the discharge of professional Fireworks and discharged by a minimum Level 2 Fireworks Supervisor as accredited by Natural Resources Canada.*

Contravention of these provisions had \$150.00 minimum penalty set for the offence.

Additions information that should be included in any fire related bylaw is the position authorized to permit/deny/inspect for the issue of Fireworks and clearly stated definitions for the three types of fireworks:

“Consumer fireworks” means consumer fireworks that is classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the Explosives Act and the Regulation, and includes fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers, but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive used per cap;

“Display fireworks” means an outdoor, high hazard, recreational firework that is classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the Explosives Act, and Regulation, which only licensed users may use in accordance with the Regulation, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons but does not include firecrackers;

“pyrotechnic special effect firework” means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 Firework under the Explosives Act and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, bergs, lances and wheels;

The fireworks bylaws or fire services bylaws referring to fireworks that were reviewed detailed permission for use of display and pyrotechnics, falling under the authority of the Fire Chief, or Safety Codes Officer, to ensure safe discharge by qualified personnel. Although many of the fireworks bylaws also address the sale and storage of fireworks, this responsibility falls entirely under the Explosives Act of Canada.

Fireworks are regulated through the Explosives Act of Canada. Consumer fireworks are generally only permitted in rural areas (Foothills County distance limits are 50 metres from the property line) where proximity to buildings and disturbance to neighbours is not usually as much of an issue. High River and the M.D. of Willow Creek do not permit the use of fireworks at all. Foothills County restricts the use of consumer fireworks within hamlets, villages, communities, estates or country estates unless supervised by a Display technician or pyro-technician as well as having a valid permit and the written permission from surrounding homeowners.

Communities that do not permit any fireworks usually address this restriction within their Fire Services Bylaw, as a succinct and single topic. This is also common where only the permitting of events with display or pyrotechnics fireworks are noted, with authorities, and the sale and storage is left to the federal act, which has hierarchy.

Notably, the aspect of fire safety and fire protection and the conduct of **GENERAL** activities that might cause fire hazards, are addressed under the National Building Code (Alberta Edition) and the National Fire Code (Alberta Edition). Fire Services bylaws generally address the communities' level of service offered by the town.

A single fire services bylaw, stating that Nanton **does not permit consumer fireworks** (or other potentially hazardous things such as fireworks, flying fire lanterns) seems to be the most responsible approach to mitigate inherent hazards. It is suggested to add a process for permitting of display fireworks or pyro-technic special effects fireworks, as well as providing authority for permitting. This would provide the Fire Department with a comprehensive process in addressing the existing August long weekend event in Nanton.

A separate fireworks bylaw, in addition to the new Fire Services bylaw, would only be prudent if Council contemplated allowing the use of:

- businesses associated with the sales of fireworks;
- reiterating the process and permitting for fireworks supervisors and pyrotechnicians for events; and
- the management of the information required with the sale, storage and discharge of fireworks.

Prepared By: Lisa Lockton, Legislative Services Manager

Attachments: Consumer Fireworks Safety (Natural Resources Canada) -has been removed but is available for review

CAO Comments:

The current status quo in the existing bylaw is largely in line with other most communities with the possible exception of not being sufficiently clear around permitting. The challenge – in which the community is not alone – is the perception around a prohibition that is very difficult to enforce and the sale of products within the community that can typically only be used if someone is choosing to contravene the prohibition within or outside the Town boundary. Moving away from a strict prohibition of consumer fireworks use would, however, prove a rather divisive debate in the community. Administration would prefer to see member(s) of the fire department voluntarily achieve the certification necessary to be able to help community groups (e.g. JT Foster graduation committee) with agreed display supervision from time to time. Guidance from Council on this topic would be appreciated. It is also important that any new bylaw is reflective of changes in provincial regulations - for example a specific penalty for the use of flying lanterns is likely necessary to aid in communication around the provincial prohibition of same in recent years.

_____ Date Signed: _____



BYLAW

BYLAW NO. 1372 / 23

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING FIRE PROTECTION AND FIRE PREVENTION IN AND FOR THE TOWN OF NANTON

WHEREAS section 7 of the *Municipal Government Act*, RSA 2000, e. M-26, as amended, 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

WHEREAS section 8 of the *Municipal Government Act*, RSA 2000, e. M-26, as amended, provides that a Council may, in a bylaw, regulate or prohibit and provide a system of licenses, permits or approvals; and

WHEREAS the Municipal Council of the Town of Nanton wishes to establish a bylaw for the purpose of fire protection and fire prevention within the Town of Nanton;

NOW THEREFORE THE COUNCIL OF THE TOWN OF NANTON, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 TITLE OF BYLAW

1.1 This Bylaw may be cited as the "Town of Nanton Fire Protection Bylaw"

SECTION 2 DEFINITIONS

In this Bylaw;

- 2.1 "Apparatus" shall mean any vehicle provided with machinery, devices, equipment or materials for fighting fires, as well as vehicles used to transport firefighters or supplies.
- 2.2 "Chief Administrative Officer" shall mean any person appointed as Chief Administrative Officer for the Town of Nanton pursuant to the *Municipal Government Act*.
- 2.3 "Consumer Fireworks" means Fireworks that are classed as a subdivision 1 of Division 2 of Class 7 Fireworks under the *Explosives Act (Canada)*, and the regulations thereunder, and includes Fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers, but does not include Christmas crackers and caps for toy guns containing not in excess of twenty-five one hundredths of a grain of explosive used per cap.
- 2.4 "Council" shall mean the Municipal Council of the Town of Nanton.
- 2.5 "Dangerous Goods" shall mean a product, substance, or organism included by its nature or by the regulations in any of the classes listed in the *Dangerous Goods Transportation and Handling Act*, RSA 2000, c. D-4 and any amendments thereto.
- 2.6 "Display Fireworks" means outdoor, high hazard, recreational Fireworks that are classed as a subdivision 2 of Division 2 of Class 7 Fireworks under the *Explosives Act (Canada)*, and the

regulations thereunder, which only licensed users may use in accordance with the regulations, and includes rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons, but does not include firecrackers.

- 2.7 "Emergency" shall mean a situation in which there is a perceived or real imminent danger to public safety or of serious harm to property or the environment that requires prompt coordination of action or special regulation of persons or property.
- 2.8 "Emergency Transportation Services" shall mean the provision of pre-hospital emergency medical care including fast-medical response and transport by the Fire Department units in accordance with the contract with Alberta Health Services.
- 2.9 "Enforcement Officer" shall mean any member of the RCMP, a Peace Officer, a Bylaw Enforcement Officer or a person appointed by the Chief Administrative Officer to enforce the provisions of this Bylaw.
- 2.10 "Equipment" shall mean any tools, contrivances, devices or materials used by the Fire Department to mitigate an Incident or Emergency.
- 2.11 "*Explosives Act (Canada)*" means the *Explosives Act*, Revised Statutes of Canada, 1885, Chapter E-17 and the Regulations enacted thereunder as amended from time to time or the Act and Regulations enacted in substitution therefore.
- 2.12 "False Alarm" means any notification to Nanton Fire Department respecting the existence of a situation in which there is a perceived or real imminent danger to public safety or of serious harm to property or the environment, where no such situation exists through willful, accidental, human, or mechanical error.
- 2.13 "Fire Chief" shall mean the person appointed as manager of the Fire Department under the provisions of this Bylaw, or their designated delegate, who performs the duties and responsibilities as assigned by this Bylaw.
- 2.14 "Fire Department" shall mean the Nanton Fire Department established under this Bylaw.
- 2.15 "Fire Hazard" means combustible material that, through its nature, location, condition, or arrangement, or any combination of those factors, may be ignited and, if ignited, could result in a fire.
- 2.16 "First Responder" shall mean those persons who in the course of their normal duties may be the first on the scene of an Incident and are trained to recognize that an Emergency or Fire Hazard exists, call for trained personnel and secure the area.
- 2.17 "Fire Protection" shall mean all aspects of fire safety including, but not limited to, fire prevention, firefighting or suppression, rescue, pre-fire planning, fire investigation, public education and information, training or other staff development and advertising.
- 2.18 "Fireworks" includes Consumer Fireworks, Display Fireworks and Pyrotechnic Special Effect Fireworks, but does not include sparklers.
- 2.19 "Flying Lanterns" means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended and is also known as a sky lantern.
- 2.20 "Illegal Fire" shall mean any fire that is in contravention of this Bylaw.

- 2.21 "Incident" shall mean a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life, health, property or the environment to which the Fire Department has responded.
- 2.22 "Inspection Officer" shall mean the Fire Chief, an Enforcement Officer or any Member with the required training and certification to undertake Fire Hazard inspections.
- 2.23 "Member" shall mean any person appointed as a member of the Nanton Fire Department under this Bylaw.
- 2.24 "Member in Charge" shall mean the Member in command of an Incident.
- 2.25 "Municipal Government Act" shall mean the *Municipal Government Act*, RSA 2000, c. M-26, and any amendments thereto.
- 2.26 "Municipal Ticket" means a ticket issued by a Peace Officer allowing for voluntary payment to the Town of a fine amount established by this Bylaw.
- 2.27 "Mutual Aid Agreement" shall mean an agreement between the Town and one or more other municipalities or persons for the joint use, control and management of fire extinguishing Apparatus and Equipment.
- 2.28 "Non-Emergent Service" shall mean any requested service provided by the Fire Department where no Emergency or False Alarm exists.
- 2.29 "Nuisance Call-Out" shall mean repeated requests for service, including False Alarms or Non-Emergent Services, emanating from the same individuals or properties involving similar and avoidable circumstances.
- 2.30 "Officer" shall mean a Member appointed by the Fire Chief or Designate to a supervisory position within the Fire Department.
- 2.31 "Open Fire" shall mean any fire which is not contained within a fire pit, an outdoor fireplace, a stationary barbeque, or an incinerator approved by Alberta Environment, and includes but is not limited to the following:
- i. Fire for the burning of weeds, grass, leaves, brush or any other plant matter;
 - ii. Fire related to recreational uses in an area that has not been designated for recreational fire by the Town; and
 - iii. Any fire set for the purpose of thawing frozen ground.
- 2.32 "Property" shall mean any real or personal property, including but not limited to land and structures.
- 2.33 "Pyrotechnic Special Effect Firework" means a high hazard firework that is classed as a subdivision 5 of Division 2 of Class 7 Firework under the *Explosives Act (Canada)* and that is used to produce a special pyrotechnic effect for indoor or outdoor performances and includes black powder bombs, bullet effect, flash powder, air bursts, smoke compositions, bergs, lances and/or wheels.
- 2.34 "Pyrotechnician" means a person who is certified under *the Explosives Act (Canada)* as a Theatrical User, an Assistant, a Pyrotechnician or a Special Effects Pyrotechnician and is qualified to purchase and supervise the display of Pyrotechnic Special Effect Fireworks under the *Explosives Act (Canada)*.

- 2.35 "Qualified Personnel" shall mean a person in possession of a Fireworks Supervisor Card issued pursuant to the *Explosives Act (Canada)* and the *Fire Code Regulation (Alberta) A/R 118/2007*.
- 2.36 "Safety Codes Act" shall mean the *Safety Codes Act, RSA 2000, c. S-1* and any amendments thereto.
- 2.37 "Safety Codes Officer" shall mean an individual designated as a Safety Codes Officer in accordance with the *Safety Codes Act*, with designation-of-powers for the accredited municipality.
- 2.38 "Security Alarm" shall mean an alarm system intended to detect unauthorized entry to premises or to alert people to the commission of an unlawful act or both.
- 2.39 "Town" shall mean the Town of Nanton.
- 2.40 "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedure Act, R.S.A 2000, c. P-34* and any amendments thereto.

SECTION 3 ESTABLISHMENT OF FIRE DEPARTMENT

- 3.1 Council hereby establishes the Nanton Fire Department for the following purposes:
- a. preventing and extinguishing fires;
 - b. investigating the cause of fires;
 - c. preserving life, property and the environment and protecting persons, property and the environment from injury or destruction by fire, natural disasters and Dangerous Goods;
 - d. providing Fire Protection and rescue services;
 - e. providing emergency medical response, including Emergency Transportation Services;
 - f. preventing, combating and controlling Incidents;
 - g. purchasing and operating Apparatus and Equipment for extinguishing fires or preserving life and Property;
 - h. carrying out fire inspections and prevention patrols; and
 - i. entering into agreements with other municipalities or persons for the joint use, control and management of fire and rescue services.

SECTION 4 JURISDICTION

- 4.1 The limits of the jurisdiction of the Fire Department, the Fire Chief and Members shall extend to the area and boundaries of the Town of Nanton and those service areas established by Town Council or by agreement.
- 4.2 No Apparatus or equipment shall be used beyond the limits of the Town of Nanton without the express authorization provided within a Mutual Aid Agreement, fire services agreement, or other agreement, or with the consent of the Fire Chief.



SECTION 5 FIRE CHIEF

- 5.1 The Fire Chief shall report to the Chief Administrative Officer or their designate.
- 5.2 The Fire Chief may appoint Officers as deemed required for the operation of the Fire Department, subject to the Fire Department's approved organizational chart and operating budget. Officers shall be supervised by the Fire Chief or their designate.
- 5.3 The Fire Chief may appoint additional Members to the Fire Department as deemed required for the proper and efficient operation of the Fire Department. These Members shall be supervised by the Fire Chief or their designate or other Officers in accordance with the Fire Department's organizational chart.
- 5.4 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Chief Administrative Officer or their designate, and in particular, may carry out all Fire Protection activities and such other activities as provided for in the approved annual budget including but not limited to:
- a. preventing and extinguishing fires, investigating the causes of fires and rescue services;
 - b. emergency medical response, including Emergency Transportation Services;
 - c. pre-fire planning including permit review and building familiarization;
 - d. prevention and public awareness events; and
 - e. fire inspections.
- 5.5 Subject to the ratification by Council, the Fire Chief may establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including, but not limited to:
- a. use, care and protection of Fire Department Property;
 - b. training, conduct and discipline of Members and Officers; and
 - c. efficient operations of the Fire Department.
- 5.6 The Fire Chief or their designate, or in his absence, Member in Charge, shall have control, direction and management of any Fire Department Apparatus, Equipment or human resources assigned to an Incident and where acting as a Member in Charge, shall continue to act until relieved by a Member authorized to do so.
- 5.7 The Fire Chief or Member in Charge, who is at the site of an Incident or other Emergency, may in their discretion:
- a. order persons in a building to vacate the building and not re-enter the building unless authorized by the Fire Chief or the Member in Charge;
 - b. establish a perimeter around the site and prevent persons from entering the perimeter;
 - c. request the assistance of Enforcement Officers to prevent persons from entering the building or an established perimeter;

- d. cause a building, structure or any other Property to be pulled down, demolished or otherwise removed so as to prevent the spread of fire or hazard to other building, structures or Property; and
- e. cause any Member, Fire Department Apparatus or Equipment to enter on any Property, including adjacent Property to combat, control or deal with the Incident.

SECTION 6 POWERS OF MEMBERS

- 6.1 Each person duly appointed by the Fire Chief is a Member of the Fire Department by virtue of his or her appointment.
- 6.2 Every Member shall have the authority and power to, in the course of their duties:
 - a. extinguish or control any fire;
 - b. perform the operations necessary to preserve life and Property;
 - c. enter onto any Property for the purpose described in clauses (a) or (b); and;
 - d. regulate the conduct of the public in and around the vicinity of any place where a Member is performing the activities described in clauses (a) or (b);
- 6.3 The Fire Chief or their designate shall have the authority to:
 - a. compel any able bodied, adult persons who are not Members to assist in extinguishing fires and to assist in the prevention and spread thereof;
 - b. enter into a closed area without a permit or written permission for purposes of controlling or mitigating a Fire or Incident;
 - c. without a warrant, enter onto any land or premises, except a building used as a private dwelling, for the purpose of discharging duties under this Bylaw;
 - d. without a warrant, enter any private dwelling which is on fire and proceed to extinguish the fire or to prevent the spread thereof;
 - e. without a warrant, enter any private dwelling to rescue an individual whose life is in or appears to be in imminent danger;
 - f. direct the operations necessary to extinguish or control a fire or to preserve life and Property; and
 - g. regulate the conduct of the public in and around the vicinity of any place where a Member is performing the activities necessary to extinguish or control a fire or to preserve life or Property.

SECTION 7 FIRE HYDRANTS

- 7.1 No person, other than Members or employees of the Town, shall, without prior approval from the Fire Chief, affix any tool, hose or other device to any fire hydrant or fire hydrant valve.
- 7.2 No person shall, without prior approval from the Fire Chief, paint any fire hydrant, or any portion thereof.



- 7.3 Any fire hydrant taken out-of-service for any reason shall be communicated to both the Town and the Fire Chief as soon as practicable, and any records of maintenance and testing shall be shared between the Town and Fire Department.

SECTION 8 CONTROL OF FIRE HAZARDS

- 8.1 No person shall cause or permit a Fire Hazard to develop or exist on land within their possession and control or land they are occupying.

SECTION 9 REQUIREMENTS TO REPORT

- 9.1 The owner of any Property damaged by fire, or their authorized agent, shall immediately report to the Fire Department the particulars of the fire to the satisfaction of the Fire Chief.
- 9.2 The owner of any Property containing dangerous goods, or their authorized agent, shall immediately report to the Fire Department the particulars regarding any accidental or unauthorized release of Dangerous Goods.
- 9.3 Any person who has spilled or released any Dangerous Goods shall immediately report the particulars of such spill or release to the Fire Department.

SECTION 10 OPEN FIRES

- 10.1 No person shall set, permit, or maintain an Open Fire at any time of year or allow an Open Fire to continue burning. The person who set, permitted, or maintained such an Open Fire shall extinguish the fire immediately upon the order of any Member, Peace Officer or employee of the Town.
- 10.2 Subsection 10.1 shall not apply to fires set by the Fire Department for training purposes or as a backfire.
- 10.3 Any Member, Peace Officer or Employee of the Town may extinguish an Open Fire using whatever Apparatus, equipment, or procedure that the Member may deem appropriate or necessary to extinguish the Open Fire.
- 10.4 The person who caused the incident or the owner of a parcel of land is responsible for the Town's expenses and costs related to controlling or extinguishing an Open Fire and such expenses and costs may be recovered under the provisions of the *Municipal Government Act*.

SECTION 11 RESPONDING TO FALSE ALARMS

- 11.1 The Town may charge a fee for the Fire Department responding to a False Alarm, as set out in Schedule "B", where the Fire Department responds:
- a. more than one False Alarm at the same building within the same calendar year;
 - b. more than one False Alarm from the same alarm system within the same calendar year; and
 - c. more than one False Alarm from the same parcel of land within the same calendar year where there is more than one building on that parcel of land.

- 11.2 Where the Fire Department responds to an alarm that is the result of a Security Alarm being routed to the Fire Department, the Town may charge a fee for an Emergency Service as set out in Schedule "B" to this Bylaw.
- 11.3 Where the Fire Department responds to an alarm as set out in subsection 11.2 and the business owner, Property owner, or Property manager does not provide access to the interior of the building within 15 minutes of the arrival of the Fire Department, the Town may charge, in addition to the False Alarm fee set out in the Schedule "B", a standby fee as set out in Schedule "B" until access is provided to the interior of the building.
- 11.4 Where a business owner, Property owner or Property manager has installed a lock-box, he or she shall immediately notify the Fire Chief of such lock box and provide a key or code if required.
- 11.5 If a business owner, Property owner or Property manager has installed a lock-box in an accessible location at the building and if that lock-box contains current keys or codes to provide access to the building, a person or key holder does not have to be present to satisfy the access requirements as set out in subsection 11.3.
- 11.6 If the Fire Department is dispatched to respond to an fire alarm (that is not the result of a Security Alarm being routed to the Fire Department), but is notified that the alarm is a False Alarm before a Fire Department vehicle leaves a fire station and, if, as a consequence, only one vehicle is necessary to respond to the False Alarm in order to re-set the fire alarm, the fee set out in Schedule "B" for that response shall be reduced by 50%. The 50% fee reduction shall apply to fire alarms and not to a Security Alarm routed to the Fire Department.
- 11.7 The fees provided for in this section shall be charged to the owner of the Property and the Town may recover such fees as a debt due and owing to the Town.

SECTION 12 CONTRACTS & AGREEMENTS

- 12.1 With the approval of Council, the Town may:
- a. enter into an intermunicipal agreement providing the supply of Fire Protection services outside the municipal boundaries of the Town with another municipality;
 - b. enter into mutual aid agreements with other surrounding municipalities; and
 - c. upon request, supply Fire Protection services outside the municipal boundaries of the Town.

SECTION 13 SETBACKS, FIRE PITS, OUTDOOR FIREPLACES, and STATIONARY & PORTABLE BARBEQUES

- 13.1 For the enjoyment of residents, fire pits, outdoor fireplaces and stationary barbeques are permitted provided their construction, location and use is in accordance with the provisions of this Bylaw and the Town's Land Use Bylaw, if applicable.
- 13.2 At the discretion of the Fire Chief, the use of fire pits, outdoor fireplaces and stationary barbeques may be restricted or prohibited during a fire ban.
- 13.3 Fire pits, outdoor fireplaces and stationary barbeques that burn combustible material shall comply with the following or the applicable provisions of the *Safety Codes Act* and the Alberta Building Code, whichever is more prescriptive:

- a. be located in a rear yard with a minimum of 2.5 meters (8 feet) clearance from buildings, property lines and combustible materials, or as otherwise approved by the Fire Chief;
 - b. be constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components.
 - c. have a spark arrestor mesh screen of 1.30 centimeters (0.50 inches) expand metal (or equivalent) to contain sparks over the fire at all times;
 - d. be the sole responsibility of the owner or tenant of the Property;
 - e. be supervised at all times by a responsible adult person over the age of eighteen (18) until such time as the fire has been completely extinguished. For the purpose of this clause, a fire shall be deemed to include any hot ashes and smoldering embers resulting from the fire;
 - f. only burn clean (dry, untreated) wood, charcoal briquettes, propane or natural gas; and
 - g. have flames no higher than ninety (90) cm or three (3 feet) above the fire pit or barbeque fire box.
- 13.4 During a fire ban, the only fires permitted shall be in portable barbeques which burn propane or natural gas.
- 13.5 Except during a fire ban, fires are permitted within designated Town owned outdoor fireplaces and fire pits located within public areas.

SECTION 14 FIREWORKS

- 14.1 No person shall possess, sell, purchase, or discharge Fireworks within the Town without a subsisting Fireworks permit issued pursuant to the Alberta Fire Code.
- 14.1.1 Fireworks permit shall only be issued for discharge in or on Public (P) Land Use Districts, as defined within the Town of Nanton current Land Use bylaw. For greater clarity, fireworks permits shall not be issued for the purpose of consumer fireworks displays at residential, industrial or commercial properties.
- 14.2 Any person wishing to obtain a Fireworks permit must complete a Fireworks permit application and submit the completed application to the Fire Department. The permittee must be Qualified Personnel hold licensing issued under the *Explosives Act* (Canada) and any additional event permits required.
- 14.3 Upon receipt of a completed Fireworks permit application, the Fire Chief shall consider application and may in the Fire Chief's sole and absolute discretion:
- a. Refuse to grant a Fireworks permit;
 - b. Grant a Fireworks permit; or
 - c. Grant a Fireworks permit upon such additional conditions as the Fire Chief deems appropriate.
- 14.4 A Fireworks permit shall not be transferable.

- 14.5 A Fireworks permit must be presented to the Fire Chief, a Member, or Peace Officer upon request.
- 14.6 A Fireworks permit issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief or their designate and the Fireworks permit shall have endorsed therein the period of time for which the said permit is valid.
- 14.7 The Fire Chief may extend a Fireworks permit beyond the period of time that the permit is valid, provided the permit has not expired before the request to extend has been made.
- 14.8 The Fire Chief may, at its sole and absolute discretion, terminate suspend or cancel a Fireworks permit at any time.
- 14.9 Each Fireworks permit application and Fireworks permit must contain the following information:
- a. the name, address and telephone number of the applicant;
 - b. the reason the Fireworks permit is required;
 - c. the legal description of the land on which the applicant proposes to possess, sell, purchase, or discharge Fireworks;
 - d. the type of Fireworks involved and amount to be used; the period of time for which the Fireworks permit is valid;
 - e. the additional terms and conditions, if any, that must be taken by the applicant to ensure safety; and,
 - f. an acknowledgement by the applicant that the applicant has read and agrees to comply with the terms and conditions as set out on the Fireworks permit application and Fireworks Permit.
- 14.10 All Fireworks shall be stored, used and ignited in accordance with the provisions of the *Explosives Act (Canada)*, *Safety Codes Act* and the current Alberta Fire Code and their regulations and in accordance with those conditions determined solely by the Town.
- 14.11 Retail locations offering the sale of Consumer Fireworks may be subject to annual fire inspections.
- 14.12 The Fire Chief, or their designate, may order a person to cease discharging, firing or setting off Fireworks when considered necessary to do so for reasons of safety, as outlined in the Alberta Fire Code and the *Safety Codes Act*, or for non-compliance with this Bylaw.

SECTION 15 FIRE BANS

- 15.1 The Fire Chief may impose a complete or partial fire ban within the Town at their discretion. When a fire ban is imposed, the Town shall post the fire ban information on the Town's website and provincial fire ban website detailing the conditions of the fire ban.
- 15.2 No person shall start or allow a fire on private or public property within the Town at any time while a complete fire ban is in place or otherwise in contravention of a fire ban.
- 15.3 The Fire Chief or their designate, a Member or an Enforcement Officer may order a person to extinguish any fire in contravention of the fire ban when a fire ban is in place and in the event the person fails to comply with the order, the Fire Department may extinguish the fire.

SECTION 16 RECOVERY OF COSTS

- 16.1 The Fire Department will provide such Fire Protection and rescue services as provided for in this Bylaw within the municipal boundaries of the Town of Nanton at no charge to the citizens of the Town of Nanton, except as otherwise provided for in this Bylaw.
- 16.2 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire, responding to a fire call, a False Alarm or Incident for the purpose of preserving life or Property from injury or destruction by fire or other cause, the Fire Chief may:
- a. in respect of any cost incurred in taking such action, charge any cost so incurred to the person who commits arson or deliberately commits criminal action that leads to an Emergency situation and is convicted of such; or
 - b. in respect to any response to a motor vehicle collision on a provincial highway, recover costs from Alberta Transportation as per their established rates for reimbursement; or
 - c. in respect of any action taken to mitigate or control Hazardous Materials or a dangerous goods incident, charge any cost so incurred to the person responsible for the Incident.
- 16.3 The costs and fees to be charged by the Fire Department for services rendered pursuant to this Bylaw are as set out in the Town of Nanton's Schedule of Fees.
- 16.4 In respect of any costs or fees levied or charged under this Bylaw:
- a. the Town may recover such costs or fees as a debt due and owing to the Town; and;
 - b. in default of payment, where permitted by the *Municipal Government Act*, add the amounts to the tax roll of a parcel of land.
- 16.5 The Fire Department may charge, at the discretion of the Fire Chief or designate, for the provision of services to Nuisance Call-Outs as outlined in Schedule "B" of this Bylaw.
- 16.6 Notwithstanding Section 16.1, an owner or occupant of Property shall be charged and the Town may recover such fees as a debt due and owing to the Town for fire suppression and life-saving rescue services provided to the Property where the Incident was caused by:
- a. Unpermitted Fireworks or Fireworks ignited in contravention of a Fireworks permit;
 - b. Flying Lanterns;
 - c. Unsupervised or non-compliant fire pit, fireplace or barbeque;
 - d. Breach of a fire ban;
 - e. Breach of the Fire Safety Code; or
 - f. Criminal negligence.

SECTION 17 OFFENCES

- 17.1 No person shall damage or destroy Fire Department apparatus, equipment or supplies.



17.2 No person shall falsely represent themselves as a Member or wear or display any Fire Department badge, cap, insignia or other paraphernalia. for the purpose of such representation.

17.3 No person shall:

- a. cause any open or illegal fire in the Town of Nanton contrary to any provision of this Bylaw; or
- b. provide false, incomplete or misleading information to the Fire Department on or with respect to an incident, fire or fire related information; or
- c. interfere with the efforts of any persons authorized to extinguish fires or preserve life or property or in the carrying out of other duties imposed by this Bylaw; or
- d. at an incident, impede, obstruct or hinder a Member or other person assisting or acting under the direction of the Member in Charge; or
- e. at an incident, drive a vehicle or any apparatus without the permission of the Member in charge; or
- f. impede, obstruct or hinder a Member from carrying out duties imposed by this Bylaw; or
- g. burn or be responsible for the burning of any garbage or refuse; or
- h. allow any fire to give off dense smoke or any offensive odor in a manner which relates nuisance to neighboring persons and property; or
- i. allow any fire to burn out of control so as to threaten or cause damage to adjacent property; or
- j. light an open fire or a structure fire; or
- k. fail to take reasonable steps to control a fire for the purpose of preventing it from spreading onto land other than his/her own; or
- l. deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in a fire.

SECTION 18 PENALTIES

18.1 A person who fails to comply with or breaches any provision of this Bylaw is guilty of an offence.

18.2 If a Municipal Ticket is issued in respect of an offence, the Municipal Ticket will specify the fine amount listed in Schedule "B".

18.3 A person who is issued a Municipal Ticket in respect of an offence may pay the fine amount established by this Bylaw for the offence at the Town of Nanton Office and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

18.4 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- a. specify the fine amount established by this Bylaw for the offence; or



- b. require a person to appear in court without the alternative of making a voluntary payment; and a person who enters a guilty plea or is found guilty of an offence is liable to a fine in an amount not less than that specified in this Bylaw and not exceeding \$10,000.00 and liable to imprisonment for not more than 6 months for non-payment of the fine.

18.5 Nothing in this Bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

SECTION 19 LIABILITY

- 19.1 The Fire Chief or a Member charged with any duty of this Bylaw, acting in good faith and without malice for the Town in the discharge of their duties, shall not be personally liable and the Fire Chief or Member is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of the Fire Chief or Member's duties.
- 19.2 Any suit brought against the Fire Chief or a Member, because of an act or omission performed by the Member in the enforcement of any provision of this Bylaw, shall be defended by the Town until final determination of the proceedings. The Fire Chief and Member will be reimbursed or indemnified against any loss or expense which the Fire Chief or Member may incur as a result of any inquiry relating to, or any action brought or judgment obtained arising out of the Fire Chief or Member's duties. The Town shall not be required to pay any fines or penalties levied or imposed against the Fire Chief or any Member by reason of any conviction or charge for violation of any statute or Bylaw.

SECTION 20 GENERAL PROVISIONS

- 20.1 Nothing contained within this Bylaw relieves a Person from complying with any other applicable municipal, provincial or federal legislation, regulation or bylaw or any requirements of any applicable permit, order, consent, agreement, or other direction.
- 20.2 Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 20.3 In the event that any provision of this Bylaw is to any extent invalid or incapable of being enforced, such provision shall be excluded to the extent of such invalidity or unenforceability; all other terms and provisions shall remain in full force and effect.
- 20.4 Every provision of this Bylaw is independent of all other provisions, if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

SECTION 21 REPEALED

- 21.1 Town of Nanton Bylaw No. 1204/09 and any amendments are hereby repealed.

SECTION 22 READINGS AND EFFECTIVE DATE

- 22.1 This Bylaw shall come into force and effect on the date of final reading.



22.2 Read a first time this _____ day of _____, 2023.

TOWN OF NANTON

MAYOR

CHIEF ADMINISTRATIVE OFFICER

22.3 Read a second time this _____ day of _____, 2023.

TOWN OF NANTON

MAYOR

CHIEF ADMINISTRATIVE OFFICER

22.4 Read a third and final time this _____ day of _____, 2023.

TOWN OF NANTON

MAYOR

CHIEF ADMINISTRATIVE OFFICER



BYLAW # 1372/23 SCHEDULE "A" – FEES

Fireworks Permit	\$25.00		
Safety Codes Inspection	\$100.00		
Annual Inspection for Town of Nanton Business License holder	NIL		

Draft

Schedule "B"
Specified Penalties

Section	Violation	First Violation	Second Violation	Third Violation
9(9.1)	Failing to report a fire	\$250.00	\$500.00	\$1,000.00
9(9.2) or 9(9.3)	Failing to report a dangerous good spill or release	\$250.00	\$500.00	\$1,000.00
10 (10.2)	Having an open fire	\$250.00	\$500.00	\$1,000.00
11 (11.1, 11.2, 11.3)	False Alarm/ Standby	\$50.00	\$100.00	\$250.00
13(13.6)	Failure to have a permitted fire pit, fire place or barbeque	\$250.00	\$500.00	\$1,000.00
14 (14.5)	Illegally discharging Fireworks in Town	\$250.00	\$500.00	\$1,000.00
15 (15.4)	Failure to comply during a fire ban	\$1000.00	\$1000.00	\$1,000.00
16.5	Nuisance Call-Out	\$50.00	\$100.00	\$250.00
17 (17.1)	Damage or destroy Fire Department property	\$1000.00	\$1000.00	\$1,000.00
17 (17.2)	Impersonating a Member	\$250.00	\$500.00	\$1,000.00
17.3 (b)	Provide false information	\$250.00	\$500.00	\$1,000.00
17.3 (f)	Interfere with a Member carrying out duties under Bylaw	\$1000.00	\$1,000.00	\$1,000.00
17.3(g)	Burning of garbage or waste	\$250.00	\$500.00	\$1,000.00
17.3(h)	Allow a fire to create dense smoke or offensive odour	\$250.00	\$500.00	\$1,000.00
17.3 (i) or 17.3(k)	Failure to control a fire	\$500.00	\$750.00	\$1,000.00
17.3 (l)	Deposit, discard or leave burning material/ substances	\$250.00	\$750.00	\$1,000.00



Fireworks Permit

Supervisor/Company Name: _____

Sponsoring Agency: _____

Fireworks Supervisor's Card Number: _____

Telephone: _____ Fax: _____ E-mail: _____

The applicant is herewith authorized to possess, handle, discharge, fire or set of **Display** (Class 7.2.2) Fireworks within the Town of Nanton:

On _____ at _____

Date & Time

Location

Fireworks display must be in compliance with Section **5.7** of the Alberta Fire Code. The applicant must provide as part of this permit application:

- **Proof of liability insurance in the amount of \$2,000,000**
- **A copy of their Fireworks Supervisor's card**
- **A diagram of the display site and discharge area**
- **A list of the Fireworks that will be discharged**

Conditions:

- **Applicant must have the permission of all property owners adjacent to the **display** site**
- **Must contact the Fire Department before the discharge of the Fireworks**
- **Cannot set off the Fireworks if winds exceed 45 km/h**
- **All Transportation of Dangerous Goods transportation & storage requirements for Class 1 Explosives apply**

PERMIT NUMBER _____

This permit is subject to the cancellation for any breach of the Alberta Fire Code (Section 5.7) or any of the requirements or conditions of this permit.

Date of Approval

Approving Officer



FIRE BAN RELEASE FORM

Draft

