

BYLAW 715.11

Being a Bylaw of Lamont County, in the Province of Alberta, enacted to preserve life and property and protect persons from injury or destruction by fire within the boundaries of the County and to provide for fair and just compensation to be paid to the County.

WHEREAS Division 1, Section 7 of the Municipal Government Act, R.S.A., Nov 26, 2009 A council may pass bylaws for municipal purposes respecting the following matters:

(a) the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Forest and Prairie Protection Act, R.S.A. 2000, c. F-19 provides that 7(1) The council of a municipal district is responsible for fighting and controlling all fires within the boundaries of the municipal district and the costs and expenses shall be paid by the municipal district, subject to its right to recover them under section 9(3),

9 (3) The persons who are responsible for a fire shall on demand reimburse the Minister, the municipal district or the urban municipality, as the case may be, for the costs and expenses of fighting the fire, and

WHEREAS the Forest and Prairie Protection Act, R.S.A. 2000, c. F-19 provides that 2.1(1) For the purposes of any provision of this Act that entitles the Minister or any other person to reimbursement from any person responsible for a fire for the costs and expenses of fighting a fire or that requires any such person responsible to reimburse the Minister or any other person for the costs and expenses of fighting the fire,

- (a) the person who caused the fire,
- (b) the person who directed the lighting of the fire,
- (c) the person who was otherwise responsible for the fire,
- (d) the person who owned the land on which the fire began and does not establish that the fire ignited or was lit without that person's consent, express or implied, and
- (e) the person who was in control of the land on which the fire began and does not establish that the fire ignited or was lit without that person's consent, express or implied, are jointly and severally liable to the Minister or that other person, as the case may be, for the reimbursement of the costs and expenses of fighting the fire, and

WHEREAS the Municipal Government Act, R.S.A., Nov 26, 2009 provides that; 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; and

NOW THEREFORE the Council of Lamont County duly assembled, enacts as follows:

SECTION 1-SHORT TITLE AND APPLICATION

1.1 This bylaw may be cited as "The Fire Charge Bylaw".

SECTION 2-DEFINITIONS

2.1	Council	Council of Lamont County
	County	Lamont County
	Fire Department	any of the fire departments for the municipalities located within Lamont County boundaries that are contracted by Lamont County to provide firefighting services in the county.
	Fire Fighting Costs	any expenditures, costs, or debt associated with the prevention, control or extinguishment of fires or the preservation of life or property from injury or destruction by fire or other incident which has been made or incurred, either directly or indirectly, by the county.
	Incident	a fire or situation where a fire or explosion is imminent or any other operation presenting a possible danger to life or property and to which the fire department has responded, including, but not limited to, motor vehicle accidents, medical aid calls and dangerous goods response.
	Permit	a fire permit issued by a fire guardian appointed by the county.

SECTION 3-FIRE PERMITS

- 3.1 a) No person shall light or cause to be lit an outdoor fire on land unless that person is the holder of a valid permit.
- b) No person shall allow any outdoor fire that is not authorized by a permit on land that is owned or occupied by him or under his control.
- 3.2 a) A permit is required year round.
- b) No permit is required for:
- i. an outdoor camp fire which has been lit for cooking or warming purposes.
 - ii. a metal burning barrel in good condition which has air and drainage holes, covered by a screen
 - iii. smudges

- 3.3 Notwithstanding section 3.2, a permit is required for all fires in the Bruderheim Natural Area in the following legal descriptions:
- i. NE & NW 20-56-20-4
 - ii. NE 21-56-20-4
 - iii. SW 28-56-20-4
 - iv. NW, SE, SW 29-56-20-4
- 3.4 a) No permits shall be issued for muskeg/peat moss lands.
- b) The onus is on the person requesting the permit to know whether or not the land is muskeg/peat moss.
- c) No fire guardian will be held responsible for a fire permit which they unknowingly issued for muskeg/peat moss land.
- 3.5 The permit holder is required to phone the weather station at 780-468-4940 and the Lamont County Fire Advisory Line at 780-895-7674 prior to lighting the fire. Failure to phone and adhere to warnings will void the fire permit.
- 3.6 A fire permit may be suspended or cancelled at any time by a fire guardian. On receiving notice of the suspension or cancellation, the person concerned shall immediately extinguish any fire set pursuant to his permit.
- 3.7 A fire guardian may apply special conditions to a permit.
- 3.8 The permit holder must follow all conditions on the permit and/or imposed by the fire guardian. Failure to follow the conditions voids the permit.

SECTION 4-FIRE PENALTIES

- 4.1 Any person who directly or indirectly, personally or through any servant, employee, or agent who:
- a) allows a fire under his control or under the charge, custody or control of any servant, employee or agent to run at large; or
 - b) allows a fire to pass from his own land; or
 - c) allows or commits any contravention of this fire bylaw or a permit; or
 - d) does not obtain a permit
 - e) fails to follow the conditions of the permit
- is guilty of an offense and liable upon summary conviction:

- i. for the first offence, to a fine of not less than Fifty (\$50.00) dollars and not more than Two Hundred (\$200.00) dollars or in default of payment of the fine, to imprisonment for a period of not more than Ninety (90) days.
- ii. for the second and subsequent offence, to a fine of not less than Two Hundred and Fifty (\$250.00) dollars and not more than One Thousand (\$1,000.00) dollars or in default of payment of the fine, to imprisonment for a period of not more than Ninety (90) days.

SECTION 5-FIRE FIGHTING COSTS

- 5.1 Where the County has incurred costs as a result of an incident, the County may charge a fee and/or costs to:
 - a) the person who, directly or indirectly, personally or through any servant, employee or agent is responsible for the incident; or
 - b) in the case of fire, the owner, occupant or the person in control of the land where the fire originated.
- 5.2 With respect to the fee and/or costs described in section 5.1, the County may:
 - a) in default of payment and after the expiration of Thirty (30) days from the levy of the fee and/or costs, recover such fee and/or costs as a debt due and owing to the County: or
 - b) in the case of fire, in default of payment and after the expiration of Thirty (30) days from the levy of the fee and/or costs, and where the land from which the fire originated is situated within the County, charge such fee and/or costs against the land on which the fire originated as taxes due and owing in respect of the land.
 - c) Section (b) applies whether or not an action has been commenced by the County under section (a).

SECTION 6-ADMINISTRATION

- 6.1 The Chief Administrative Officer or designate shall be responsible for the administration and enforcement of this bylaw.

This bylaw hereby repeals bylaw 702.10

Read a first time this 16th day of August 2011.

Read a second time this 16th day of August 2011.

Read a third and final time and by unanimous consent of all the Councilors present, and finally passed this 16th day of August 2011.

Reeve

County Manager