

LETHBRIDGE COUNTY

FIRE BAN BYLAW 1423

BEING A BY-LAW OF LETHBRIDGE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PREVENTION OR EXTINGUISHING OF FIRES, FOR THE PRESERVATION OF LIFE AND PROPERTY AND THE PROTECTION OF PERSONS FROM INJURY OR DESTRUCTION BY FIRE.

WHEREAS Sections 7 and 8 of the Municipal Government Act, R.S.A. 2000 Chapter M-26, provides that Council may pass bylaws and that regulate or prohibit the burning of fires for 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. 1980 Chapter F-14 grants certain additional powers and responsibilities to Lethbridge County and pursuant to Sections 7 and 8 of the Municipal Government Act, Council can pass bylaws for the prevention of prairie or running fires and the enforcement of the provisions of the Forest and Prairie Protection Act in that behalf; and

WHEREAS, the Council of Lethbridge County pursuant to the powers and responsibilities granted to it pursuant to the Municipal Government Act and the Forest and Prairie Protection Act wishes to provide for the prevention, regulation and control of the lighting of fires within Lethbridge County and for the preservation of life and property from damage or destruction by fire on the terms hereinafter provided;

NOW THEREFORE, the Council of Lethbridge County, in Council duty assembled enacts as follows:

SECTION 1 – DEFINITIONS

1.1 In this Bylaw:

- a) "Council" shall mean the Council of Lethbridge County;
- b) "County" shall mean Lethbridge County;
- c) "Emergency Services", either internal provided or externally contracted, shall mean those fire, rescue, ambulance, police or other services tasked to respond to emergencies.
- c) "Equipment" shall mean any tools, contrivances, devices or materials used by the Department to combat a fire incident or other;
- d) "Fire" means a process or state of combustion where a flame may or may not be produced.
- e) "Fire Ban" shall mean a provincial ministerial order or the enactment of a ban on open fires or other fires deemed to be hazardous in the County in whole or in part.
- f) "Fire Protection" shall mean 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;
- g) "Incident" shall mean a fire or situation where an explosion is imminent or any other situation where there is a danger or a possible danger to life or property or both and to which the Department has responded.

SECTION 2 - EMERGENCY SERVICES

- 2.1 Emergency Services shall be responsible for carrying out such duties, obligations and responsibilities as may be assigned to the Service from time to time by Council and/or Emergency Services Coordinator and without limiting the generality of the foregoing may include:
- a) Preventing and extinguishing fires;
 - b) Investigating the cause of fire;
 - c) Preserving and protecting life, property, the environment and the economy from injury or destruction by fire;
 - d) Preventing prairie or running fires and enforcing the provisions of the Forest and Prairie Protection Act;
 - e) Preventing, combatting and controlling incidents;
 - f) Controlling and mitigating incidents involving dangerous goods;
 - g) Extinguishing open fires during a fire ban.

SECTION 3 - COUNCIL POWERS

- 3.1 The Reeve, Deputy Reeve or any two (2) County Council members may authorize County Administration to impose a Fire Ban on fires throughout the County in part or in whole.
- 3.2 Once a Ban is in effect, the said Ban shall remain in effect until lifted by the Reeve, Deputy Reeve or any two (2) County Council members.
- 3.3 Council may through policy, set fees for responses required by Emergency Services.

SECTION 4 - FEES AND COLLECTION

- 4.1 In addition to penalties imposed herein, Emergency Service response fees that have been set in accordance with policy, will also be applied to responses from Emergency Services that are required during Fire Bans.
- 4.2 Appeals regarding response fees charged may be considered by Council.
- 4.3 In accordance with the Municipal Government Act, fire suppression response fees that remain unpaid may be transferred to the appropriate property tax account through Council resolution, or collected in a similar manner to other outstanding receivables.

SECTION 5 – OFFENCES

- 5.1 Any person who ignites or allows to burn a fire while a Fire Ban is in effect may be found in violation of this Bylaw.
- 5.2 Any person who contravenes a provision of the Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule 'A' herein.
- 5.3 Any single contravention of this Bylaw shall be considered as a single offence and shall not limit additional penalties of this Bylaw from being enforced for additional offences.

- 5.4 Nothing in this bylaw shall be construed as curtailing or abridging the right of the County to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.

SECTION 6 - VIOLATION TICKET

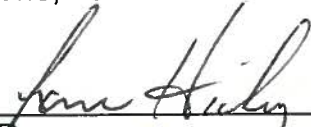
- 6.1 A County Community Peace Officer, RCMP or other County authorized enforcement officer Bylaw Enforcement Officer, R.C.M.P. are hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act.
- 6.2 A Violation Ticket shall be issued for each single offence of this Bylaw as per Section 5.2 herein.

SECTION 7 - SEVERABILITY


- 7.1 Should any section or part of this bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as severable from the rest of the 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.

THIS BYLAW SHALL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF PASSING THEREOF.

GIVEN first reading this 23rd day of June, 2014.




Reeve



Chief Administrative Officer

GIVEN second reading this 23rd day of June, 2014.



Reeve



Chief Administrative Officer

GIVEN third reading this 23rd day of June, 2014.



Reeve



Chief Administrative Officer

Schedule 'A'

First Offence:	\$ 500.00
Second Offence:	\$2,500.00
Third Offence:	\$5,000.00