

CYPRESS COUNTY

BYLAW 2023/06

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AND WHEREAS Bylaw 2022/04 and all amendments thereto are hereby repealed.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 second in command to the Emergency Services Coordinator who may act as the designate on the Emergency Services Coordinator’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 that may assume Incident Command, ensure scene safety, and coordinate appropriate resources during emergency operations.
- k) “Emergency Operations Centre” means the protected site from which civil officials coordinate, monitor, and support, emergency response activities during an event.
- l) “Emergency Operating Guidelines” means Guidelines established by the Emergency Services Department, as amended from time to time.
- m) “Emergency Services Coordinator” means the Emergency Services Coordinator for Cypress County appointed by the CAO as head of the Emergency Services Department.
- n) “Emergency Services Department” means Emergency Services Department of Cypress County.
- o) “Emergency Services” means fire protection, rescue, and other associated services carried out by the Emergency Services Department.
- p) “Enforcement Officer” means a member of the Royal Canadian Mounted Police and/or a Peace Officer.
- q) “Equipment” means any tools, contrivances, devices or materials used by the Emergency Services Department to combat any Incident or emergency.
- r) “Fire” means any combustible material in a state of combustion.
- s) “Fire Ban” means a specified time period in which ~~recreational fires and~~ burning barrel fires are not permitted on account of environmental conditions.
- t) “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.

- u) “Fire Hazard” means any condition, circumstance or event wherein the possibility of Fire is increased.
- v) “Fire Officer” means a ranking and supervisory role above the firefighter level which can be a Captain, Deputy Station Chief, Station Chief, Duty Officer, Deputy Fire Chief, or Cypress County’s Emergency Services Coordinator.
- w) “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.
- x) “Fire Restriction” means a specified time period in which fire permits will not be issued to the public.
- y) “Fire Protection Area” means the geographical area within Cypress County for which a District Fire Station is responsible.
- z) “Fire Protection Service Agreement” means an agreement between Cypress County and another municipality or other entity to provide Emergency Services to that municipality or entity.
- aa) “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.
- bb) “Incident” means a Fire, Fire Hazard, 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 District Fire Station has responded.
- cc) “Incident Commander” means the first firefighter to arrive on scene and establish command who is responsible for the overall management and operations of the Incident or until that person is relieved by a higher ranking fire member.
- dd) “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.
- ee) “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.
- ff) “Member” means any person who is appointed to be a volunteer paid on call member of the Emergency Service Department by the Emergency Services
- gg) Coordinator or his or her delegate.

- hh) “Member in Charge” means, in the absence of the Emergency Services Coordinator, Fire Station Chief, the Officer or the Member of the Station in command of the Incident.
- ii) “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 or machine, or vehicle and any Fire set for the purpose of thawing frozen ground.
- jj) “Property” means any real or personal property, which without limiting the generality of the foregoing includes land and structures.
- kk) “Prohibited Debris” means any material that when burned, will result in the release to the atmosphere of 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
- ll) “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”, with an in-ground base consisting of sand, gravel, or concrete to be positioned no closer than 3.04 metres (10 feet) from any structure, building, vegetation, or property line.
- mm) “Running Fire” means a fire burning without being under the proper control of any person.
- nn) “Station Chief” means the Station Chief of a District Fire Station.
- oo) “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.

- pp) “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 Department as set forth in this Bylaw for the purpose of:

- a) providing Fire Protection and rescue services;
- b) preventing, combating and extinguishing Fire and Incident;
- 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 and operations;
- 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 Emergency Services shall be performed by the Emergency Services Department 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 The Emergency Services Department 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 Emergency Services 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 Emergency Services outside the Fire Protection Area boundaries; or

- b) the approval from the Emergency Services Coordinator or Deputy Fire Chief of Cypress County.

SECTION 4 ORGANIZATION AND ADMINISTRATION

- 4.1 The Emergency Services Department shall consist of an Emergency Services Coordinator, Deputy Fire Chief, Administrative Assistant, Officers, Members, buildings, apparatus and Equipment as deemed necessary by Council to protect people and Property and provide Emergency Services and rescue services.
- 4.2 The CAO shall appoint the Emergency Services Coordinator who is responsible for the Emergency Services as described and set out in this Bylaw.
- 4.3 The Emergency Services Coordinator 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 Emergency Services Coordinator has complete responsibility and authority over the Emergency Services Department, subject to the direction and control of the CAO. In particular, the Emergency Services Coordinator has the authority to direct the Emergency Services Department to carry out Emergency Services 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 Emergency Services Coordinator may establish policies and procedures as necessary for the proper organization and administration of the Emergency Services Department and the provisions of Emergency Services including, but not limited to:
 - a) appointment of Deputy Fire Chief,
 - b) appointment of Duty Officers,
 - c) appointment of Station Chiefs, Officers and Members in a station,
 - d) use, care and protection of property, buildings, and Equipment of the Emergency Services Department;
 - e) conduct, performance and discipline of Members;
 - f) efficient operations of the Emergency Services Department;
 - g) Member orientation, training; and education; and
 - h) establishing, implementation and execution of Emergency Operating Guidelines.

4.6 The Emergency Services Department 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 INCIDENT COMMANDERS

- 6.1 The Incident Commander shall have control, direction and management of any Emergency Service's apparatus, Equipment, Members or manpower, or other assets assigned to an Incident. The Incident Commander shall continue to act in that role until relieved by a higher ranking fire member, Fire Officer, or Duty Officer authorized to do so, or until the Incident has ended or has been resolved.
- 6.2 The Incident Commander may at their sole discretion, establish boundaries or limits around an Incident and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Incident Commander.
- 6.3 The Incident Commander is empowered to enter and to take all steps deemed 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 Emergency Services Department 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;
 - e) request the appropriate resources or assets, as deemed necessary by the Incident Commander, to control or deal with the Incident;

- 6.4 The Incident Commander shall communicate with the Emergency Services Coordinator, Deputy Fire Chief, and/or Cypress County’s Director of Emergency Management to request any supplemental and supporting resources or assets that may be needed and to provide information on the severity of the Incident to assist in determining whether the Emergency Operations Centre requires activation.

SECTION 7 FIRE PROTECTION SERVICE AGREEMENTS

- 7.1 All Fire Protection Service Agreements shall be negotiated by the Director of Municipal Services and Emergency Services Coordinator 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 Emergency Services Coordinator extends throughout the boundaries of the County, including the designated service area;
 - b) the Emergency Services Coordinator 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 designate. Duty Officers 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 A Fire Guardian shall have all of the powers and responsibilities as set out in the Forest and Prairie Protection Act.

SECTION 9 FIRE PERMITS

- 9.1 From April 1 to October 31 of each year, or as otherwise provided by resolution of Council, Cypress County will be under a Fire Restriction. Fire Permits may be issued at the sole discretion of the Chief Administrative Officer or the designate. The Chief Administrative Officer, or the designate, upon consultation with the Emergency Services Coordinator, may also rescind Fire Permits and re-implement and/or extend 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 Fire Permits will be issued to the public from November 1 to March 31, subject to the discretion of the Emergency Services Coordinator 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 Fires, or Incinerator Fires, shall be made to a Fire Guardian. The Fire Guardian shall forward the application to the Emergency Services Coordinator, the Deputy Fire Chief, or their designates, for review and approval so that the Fire Guardian may 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 state the period of time for which the Fire 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, in their sole discretion and for any reason, suspend or cancel at any time a Fire Permit, and on receiving notice of the suspension or cancellation, the Fire Permit holder 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 Fire Ban or a Fire Restriction upon open fires within Cypress County.

- 10.2 Recreational Fire Pits are permitted during fire bans when the following conditions are met within the defined hamlets of Cypress County. The Recreational Fire Pit (Exemption during fire ban) can be revoked at any time at the discretion of the Emergency Services Coordinator and or the Chief Administrative Officer.
- 10.3 Recreational Fire Pits are self-regulated and must follow all parameters outlined in Schedule “C”.
- 10.4 These Fire Restrictions or Fire Bans shall be imposed by the Emergency Services Coordinator or designate, based on input and information from the District Fire Station Chiefs, Environment Canada, Alberta Agriculture and Forestry, other municipalities, and any other appropriate source.
- 10.5 When a Fire Restriction or Fire Ban is imposed, it shall state the time and date it comes into effect and the County shall post the information in some fashion that is publicly accessible, including but not limited to Cypress County’s website, social media, local media outlets and on the Alberta Fire Ban website.
- 10.6 Fire Restrictions or Fire Bans may be lifted or modified by the Emergency Services Coordinator or designate based on input and information District Fire Station Chiefs, Environment Canada, Alberta Agriculture and Forestry, other municipalities, and any other appropriate sources.
- 10.7 The Fire Chief and or the Chief Administrative Officer may enact or remove a fire ban or restriction within Cypress County or a geographical section of the County when it is determined that the prevailing environmental conditions may give rise to an increased risk of fire or increased risk of a fire running out of control.
- 10.8 A Fire Permit may be granted during a Fire Restriction or Fire Ban, at the sole discretion of the Emergency Services Coordinator, who shall take into account the following;
- a) an inspection has been completed by the Emergency Services Coordinator 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 and conditions set out in the Fire Permit by the Emergency Services Coordinator or Deputy Fire Chief;
 - e) circumstances are warranted, at the discretion of the Emergency Services Coordinator or Deputy Fire Chief;
 - f) for the purpose of training Fire Department Members; and:
 - g) any other relevant circumstances that warrant the granting of a Fire Permit, based on the sole discretion of the Emergency Services Coordinator.

SECTION 11 RECOVERY OF FIREFIGHTING COSTS

- 11.1 When the Emergency Services 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 Emergency Services Department on a false alarm, the Emergency Services Coordinator may in respect of any costs whatsoever incurred by the Emergency Services Department in taking such action:
- a) charge any costs so incurred to the owner or occupant of the land in respect of which the action was taken; and
 - b) charge any costs so incurred to any other person who caused or contributed to the Fire or Incident.
- 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 wishes to appeal any costs imposed upon them pursuant to Section 11.1, the owner or occupant shall have a period of thirty (30) days from the date the written notice of the costs imposed was mailed by the County to the owner or occupant to appeal to Council for a reconsideration of the costs 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 any amounts levied by the Emergency Services Coordinator pursuant to Section 11.1 are not paid within sixty (60) days after the mailing of a notice of the costs imposed by the County, or in the event of an appeal, pursuant to Section 11.3 within sixty (60) days of the date of mailing of the decision of Council with regards to the appeal, the amount levied and unpaid shall be added to the tax roll of any property in respect of which the action was taken.
- 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.
- 11.6 The remedies set out in this section are non-exhaustive and without limitation to any other remedies available to the County whether pursuant to the Municipal Government Act, RSA 2000, cM-26, any other applicable legislation, or otherwise.

SECTION 12 NOTICE

- 12.1 Any notice provided for in this Bylaw shall be in writing.
- 12.2 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 13 SEVERABILITY

- 13.1 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 14 OFFENCES

- 14.1 No person shall:
- a) Light or cause to be lit any Fire unless:
 - i. that person is the holder of a valid Fire Permit; and
 - ii. that person follows and is in full compliance with the conditions specified on the Fire Permit;
 - b) Light or cause to be lit any Fire unless that Fire is:
 - i. An Incinerator Fire;
 - ii. A Recreation Fire;
 - iii. A Fire that has been set by the Emergency Services Department for the purpose of training or education of Members, Officers, or other individuals within the Emergency Services Department; or
 - iv. A controlled burn in a County waste transfer site set or directed to be set by the County;

- c) Light or cause to be lit 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 pursuant to this Bylaw;
- d) provide false, incomplete or misleading information on or with respect to an application for a Fire Permit under the Bylaw.

14.2 No person shall:

- a) light a Fire when the environmental or other 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 during the burn;
- c) becoming a Running Fire or from spreading onto property other than property of which fail to take reasonable steps to control a Fire for the purpose of preventing it from that person is a registered owner;
- d) deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire;
- e) conduct any activity that involves the use of Fire in a fashion which might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring;
- f) use a Fire to burn:
 - Prohibited debris;
 - any material that will result in the production of thick black smoke;
 - herbicides, pesticides or other toxic materials or substances;
 - materials prohibited under the Air Emissions Regulation of the Environmental Protection and Enhancement Act.
- g) 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;
- h) light a Fire on lands owned or controlled by the County except with the County’s express written consent or if the Fire is a Recreational Fire, or a fire in fireplace or campfire pit provided by the County expressly for that purpose;
- i) light a Fire in an area that is subject to a Fire Restriction or Fire Ban without having a valid Fire Permit which would allow them to do so.

14.3 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 the person is unable to extinguish the Fire immediately, report the Fire to the Emergency Services Department.
- 14.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee start a Fire and let it become a Running Fire on any land of which that person is not, a registered owner, or allow a running fire to pass from property owned by the person to the property of another.
- 14.5 With the exception of Recreational Fires or Incinerator Fires, no person shall light or cause to be lit a Fire within 15 metres of a structure or property boundaries.
- 14.6 No person shall allow Property which they own or occupy to become a fire hazard through either:
- a) the accumulation of combustible materials upon the property;
 - b) lack of maintenance to the Property or the structures upon it; or
 - c) any other contravention of any applicable legislation, including any other municipal, bylaw, or provincial or federal act or associated regulations.
- 14.7 No person shall:
- a) impede, obstruct, hinder, or interfere with the efforts of a member or persons authorized by this Bylaw to extinguish fires or preserve life or property or carry out the duties imposed by this Bylaw,
 - b) interfere with the Emergency Services Department’s Equipment or apparatus required to respond to extinguish or investigate a Fire or to otherwise preserve life and property,
 - c) obstruct or interfere with Highways, access roads or streets or other approaches to any Incident, fire alarm, fire hydrant, cistern or body of water, or any connections provided to a fire main, standpipe, or sprinkler system designated for firefighting purposes.
 - d) damage, destroy, or interfere with any property of the Emergency Services Departments,
 - e) falsely represent themselves as a member, or other individual belonging to the Emergency Services Department, or wear or display any emergency service’s uniform, badge, cap, button, insignia or other paraphernalia for the purposes of false representation; and

- f) 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 Incident Commander, Duty Officer, Member In Charge, or other ranking officer with authority to authorize the entrance.

SECTION 15 FIRE WATCH

- 15.1 County mowers shall always have a fire suppression unit following the mowers as a fire watch.
- 15.2 Contract mowers shall always have a fire suppression unit following the mowers as a fire watch.
- 15.3 County and Contract fire suppression units shall have no less than 200 gallons of water for fire suppression and shall always be manned.
- 15.4 An exception may be made, upon further consultation between the Chief Administrative Officer, the Emergency Services Coordinator, the Director of Public Works, and Director of Municipal Services that a fire suppression unit may not be required to follow mowers, as a fire watch, in consideration of the conditions at that time.

SECTION 16 PENALTIES

- 16.1 Any person who:
 - a) violates a provision of this Bylaw;
 - b) permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw;
 - c) neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or
 - d) does any act or thing or omits to do any act or thing, thus violating any provision of this Bylaw;
 - e) is guilty of an offense is punishable upon summary conviction to a fine of no less than five hundred dollars (\$500) and not exceeding ten thousand dollars (\$10,000), or imprisonment, not exceeding one (1) year or both.
- 16.2 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 Part 2 summons or Part 3 offence notice by means of a violation ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, Chapter P-34.
- 16.3 The specified penalty in respect of a contravention of this Bylaw identified in Schedule “A” of this Bylaw is the amount set out in Schedule “A” of this Bylaw.

16.4 Pursuant to the Provincial Offences Procedure Act, if the summons issued by the Enforcement Officer under Section 16.2 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.

Read a first time this 22nd day of February, 2023.

Read a second time this 16th day of May, 2023.

Read a third time and finally passed this 16th day of May, 2023.

Original Signed

Reeve

Original Signed

Chief Administrative Officer

SCHEDULE "A"

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

Offence Under	Offence	Amount of Fine (\$)
14.1 (a)(i)	Lighting any Fire without a fire permit.	1000.00
14.1 (a)(ii)	Failure to follow the conditions specified on the Fire Permit.	1000.00
14.1 (d)	Provide false or misleading information on a Fire Permit application.	1000.00
14.2 (a)	Lighting a fire when the conditions are conducive to creating a Running Fire.	1000.00
14.2 (b)	Lighting an outdoor fire without first taking sufficient precautions to ensure the fire can be kept under control at all times.	1000.00
14.2 (c)	Failure to prevent a fire from becoming a running fire or from spreading onto property other than his/her own.	1000.00
14.2(d)	Deposit, discard or leave burning matter or substance where it might ignite other materials and cause a fire.	1000.00
14.2(e)	Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire.	500.00
14.2(f)	Burning prohibited debris, or any material that will result in thick black smoke, or herbicides, pesticides or other toxic substances, and materials prohibited under the Air Emissions Regulation of the Environmental and Protection and Enhancement Act.	1000.00
14.2(g)	Smoke from fire impeding visibility of vehicular traffic on a Highway or any road in Cypress County.	1000.00
14.2(h)	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
14.2(i)	Lighting a fire during a fire restriction or fire ban.	1000.00
14.3(a)	Failure to immediately extinguish a fire lit under the circumstances described under Section 17.	1000.00
14.4	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
14.5	Conducting burning within 15 meters of a structure or property line.	500.00
14.6	Allowing a Property to become a Fire Hazard.	1000.00
14.7(a)	Impede, obstruct, hinder, or interfere with the efforts of a Member or person authorized in this Bylaw to extinguish fire or to preserve life and property or carry out their duties.	1000.00
14.7(b)	Interfere with the Departments' equipment, or apparatus required to extinguish fires or to preserve life and property	1000.00

Offence Under	Offence	Amount of Fine (\$)
14.7(c)	Obstruct or interfere with Highways, access roads or streets or other approaches to any Incident, fire alarm, fire hydrant, cistern or body of water, or any connections provided to a fire main, stand pipe, or sprinkler system designated for firefighting purposes.	1000.00
14.7(d)	Damage or destroy the fire departments property.	1000.00
14.7 (e)	False representation of a fire department member.	1000.00
14.7 (f)	Enter boundaries of an incident without authorization	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 Second and Subsequent Offences. The penalty for a second offence shall be double the amount of the penalty for a first 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.

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.

SCHEDULE "C"

Recreational Fire Pits Requirements

1. Recreational Fire Pits are exempt during fire bans when the following conditions are met within the defined hamlets of Cypress County.
2. 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".
3. Requirements for any new fire pits - must be positioned at least 3 meters (10 feet) from trees, branches, shrubs, plants (or other materials that may catch fire), any property line, house, garage, fence, deck, shed or any other permanently installed or hard-to-move structures (i.e. benches, play structure etc.).
4. Requirements for any new fire pits - the base of any in-ground fire pit must consist of sand, gravel, or concrete.
5. Sufficient water and fire suppression equipment must be on hand.
6. Fire must be supervised at all times by a responsible individual.
7. Only burn clean and dry firewood, wood pellets, propane or natural gas approved fire pits designed and sold for attended recreational use.
8. Do not burn garbage, yard waste, furniture, construction materials, rubber, plastic, tar, or wood that is painted/treated.
9. The Recreational Fire Pit (Exemption during fire ban) can be revoked at any time at the discretion of the Emergency Services Coordinator, Deputy Fire Chief or CAO.
10. Recreational Fire Pit landowner user is solely responsible for any and all damages and hold Cypress County harmless against any and all losses or damages which may arise as a result of incorrect use causing a fire to become out of control.
11. Emergency Services personnel may inspect recreation fire pits from time to time to ensure all parameters in Schedule C are met for public safety measures.