



**BYLAW NO.01-2025
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

**A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF
PROVIDING FOR THE ESTABLISHMENT OF FIRE PROTECTION SERVICES FEES.**

WHEREAS the Council of The Town of Smoky Lake wishes to establish and maintain a viable fire service within the Municipality, and to provide for the efficient operation of such a fire service, all pursuant to the laws of the Province of Alberta.

AND WHEREAS, the Council of The Town of Smoky Lake wishes to regulate the use and setting of fires;

NOW THEREFORE the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. SHORT TITLE

1.1 This Bylaw shall be cited as the "Fire Protection Services Fees Bylaw"

2. DEFINITIONS

2.1 In this Bylaw:

- 2.1.1 "Apparatus" means any vehicle provided with machinery, devices, Equipment or materials for firefighting, as well as any vehicles used for transporting firefighters or supplies;
- 2.1.2 "CAO" means the Town of Smoky Lake Chief Administrative Officer;
- 2.1.3 "Council" means the Council of the Town of Smoky Lake;
- 2.1.4 "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an Incident or other emergency;
- 2.1.5 "Fire" means any combustible material in a state of combustion;
- 2.1.6 "Fire Chief" means the Member appointed as head of the Fire Department;
- 2.1.7 "Fire Department" means the Department established by this Bylaw and includes any person duly appointed to the Fire Department by Council or the Fire Chief;
- 2.1.8 "Fire Department Property" means all Property owned or controlled by the Municipality and designated for use by the Fire Department, regardless of the source of the Property;
- 2.1.9 "Fire Permit" means a document issued by Council pursuant to this Bylaw, on the form adopted by the Municipality from time to time;
- 2.1.10 "Fire Protection" means all aspects of Fire safety, including but not limited to, Fire prevention, firefighting or suppression, pre-Fire planning, Fire inspection, Fire

investigation, public education and information, training or other staff development, advising, and responding to a request for Fire Protection (including legitimate emergencies and False Alarms):

- 2.1.11 "Fire Protection Charge" means any or all costs incurred by the Fire Department in providing Fire Protection;
- 2.1.13 "Member" means any person that is a duly appointed Member of the Fire Department, and includes the Fire Chief;
- 2.1.14 "Municipality" means the Town of Smoky Lake;
- 2.1.15 "Negligent Fire" means failure to exercise reasonable care and attention leading to the ignition of a fire.
- 2.1.16 "Officer" means a Member appointed as the Fire Chief or a Deputy Chief and includes the CAO;
- 2.1.17 "Outdoor Fire" mean any Fire not contained within a building or structure;
- 2.1.18 "Property" means any real or personal Property, which, without limiting the generality of the foregoing, includes land and structures;
- 2.1.19 "Running Fire" means a Fire burning without being under proper or any control of any person;
- 2.1.21 "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, excluding an Incinerator Fire;
- 2.1.22 "Wildfire" means a Fire burning not under the control of any one person over crown land; will be treated in a similar fashion;

3. FIRE PROTECTION CHARGES

- 3.1 Upon providing Fire Protection on Property within the Municipality's boundaries for Insurable and Negligent Fires, the Municipality will send an invoice for Fire Protection charges to:
 - 3.1.1 the person causing or contributing to the Fire; or
 - 3.1.2 the owner or occupant of the Property.

The CAO shall determine when Fire Protection charges are to be levied for Fire response as per **Schedule "A": Fire Protection Charges.**

- 3.2 A Fire Protection Charge shall be paid within sixty (60) days of being levied.
- 3.3 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipality is entitled to on the Property in respect of which the indebtedness is incurred.
- 3.4 The owner of a parcel to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Municipality may add to the tax roll of a parcel of land all unpaid Fire Protection Charges.
- 3.5 Charges for incidents involving a motor vehicle, or motor vehicles, on provincial highways, as well as fires on the provincial rights-of-way may be charged to Alberta Transportation at the hourly rate set from time to time by Alberta Transportation.

- 3.6 Charges for incidents involving a motor vehicle or motor vehicles within the Municipality, other than on a primary highway, may be charged to the insurance company that has an insurance policy covering the motor vehicle or motor vehicles.

4. FIRE PERMITS

- 4.1 A Fire Permit is not required within the Town.
- 4.2 Outdoor Firepits must adhere to the Community Standards Bylaw.

5. ENFORCEMENT

- 5.1 Where a Property does not comply with this Bylaw or a person contravenes this Bylaw, the Municipality may pursue its enforcement alternatives in accordance with any Act, or common law right, including issuance of an order to remedy contraventions, remedying interventions by the Municipality, adding amounts to the tax roll, and pursuing injunctions pursuant to the Municipal Government Act.

6. APPEAL

- 6.1 A person who received a written order under this bylaw may request Council to review the order by delivering a written request on a completed form attached to their written notice to the CAO within fourteen (30) days of the date the order is received. The order shall be deemed received within five (5) days of mailing.
- 6.2 After reviewing the order, Council may confirm, vary, substitute, or cancel the order.

7. INTERFERENCE WITH DUTIES

- 7.1 No person shall obstruct the Administration, Fire Chief, Member, Municipal Representative, or Officer from performing duties under this Bylaw.

8. OFFENCES

- 8.1 No person shall:
- 8.1.1 Impede, obstruct or hinder a Member of the Fire Department, or other person assisting or acting under the direction of the Fire Chief or the Member in charge at any Incident.
 - 8.1.2 Damage or destroy Fire Department Apparatus or Equipment.
 - 8.1.3 At an Incident, drive a vehicle over any Apparatus or Equipment without permission of the Fire Chief or the Member in charge.
 - 8.1.4 At an Incident, enter the boundaries or limits of an as set by the Fire Chief or Member in charge, unless they have been authorized to enter by the Fire Chief or the Member in charge.
 - 8.1.5 Falsely represent themselves as a Member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.
 - 8.1.6 Obstruct or otherwise interfere with access roads or streets or other approaches to any Fire alarm, Fire hydrant, cistern, or body of water designated for fire-fighting purposes or any connections provided to a Fire main, pipe, standpipe, sprinkler system, cistern, or other body of water designated for Fire -fighting purposes.

- 8.1.7 Light any Fire including an Outdoor Fire that does not follow the restrictions in the Community Standards Bylaw.
- 8.1.8 Either directly, or indirectly, personally or through an agent, servant, or employee kindle a Fire or let it become a Running Fire or Wildfire on any land or allow a Running Fire or Wildfire to pass from his or her own Property to the Property of another.
- 8.1.9 Light a Fire without first taking sufficient precautions to ensure that the Fire can be kept under control at all times.
- 8.1.10 Light a Fire when the weather conditions are conducive to creating a Running Fire or Wildfire.
- 8.1.11 Fail to take reasonable steps to control a Fire for the purpose of preventing it from becoming a Running Fire or Wildfire or from spreading onto Property other than his or her own.
- 8.1.12 Light fireworks when and/or where prohibited.
- 8.1.13 Deposit, discard, or leave any burning matter or substance where it might ignite other materials and cause a Fire.
- 8.1.14 Conduct any activity that involves the use of Fire that might reasonably be expected to cause a Fire unless that person exercises reasonable care to prevent the Fire from occurring.
- 8.1.15 Use a Fire to burn any material other than seasoned wood intended for recreational purposes
- 8.1.16 Conduct any activity that involves the use of a Fire, where smoke from the Fire will impede the visibility of the vehicular traffic and pedestrian traffic on any Highway as defined in the Traffic Safety Act R.S.A. 2000 c. T-6.
- 8.1.17 Light a Fire or burn any material contrary to federal, provincial, or municipal legislation or regulations.
- 8.1.18 Use a Fire to burn any waste which results from the operation of a household or commercial business or occupation and shall include, without restricting the foregoing, paper, rags, lawn and hedge clippings, packaging materials, waste from the preparation of food, and manure.

9. PENALTIES

Except as otherwise provided herein,

- 9.1 Any person who:
 - i. violates any provision of this Bylaw.
 - ii. suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw.
 - iii. neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw; or

iv. does any act or thing or omits any act or thing, thus violating any provisions of this Bylaw; is guilty of an offence under this Bylaw.

9.2 Every person who contravenes any provision of this bylaw, as enumerated in **Schedule “B”: Penalty Fees** herein, is guilty of an offence and shall be liable upon summary conviction to the penalty specified therein for such offence.

9.3 No person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

10. VIOLATION TAGS

10.1 A Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable ground to believe has contravened any provision of this Bylaw.

10.2 A Violation Tag may be served:

a) in the case of an individual:

i. by delivering it personally to the individual;

ii. by leaving it for the individual at the apparent place of residence with someone who appears to be at least 18 years of age; or

iii by mail addressed to the individual at the apparent place of residence to any address for the individual on the tax roll of the Town; and

b) in the case of a corporation:

i. by delivering it personally to any director or officer of the corporation;

ii. by delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation; or

iii. by mail addressed to the registered office of the corporation.

10.3 A Violation Tag issued pursuant to this bylaw shall be in a form approved by the CAO and shall state:

i. the name of the person to whom the Violation Tag is issued;

ii. a description of the Property upon which the offence has been committed, if applicable;

iii. a description of the offence and the applicable Bylaw section;

iv. the appropriate penalty for the offence as specified in Schedule “B” of this Bylaw;

v. the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and

vi. any other information as may be required by the CAO.

- 10.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag.
- 10.5 Nothing in this Bylaw shall prevent a Peace Officer or Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

11. VIOLATION TICKETS

- 11.1 In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, a Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 11.2 Notwithstanding the foregoing provision of this bylaw, a Peace Officer or Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person whom the Peace Officer or Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 11.3 A Violation Ticket issued with respect to a contravention of this bylaw shall be served on the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

12. MISCELLANEOUS

- 12.1 Nothing in this Bylaw shall be construed to give the Fire Department or the Fire Chief control or authority respecting ambulance services.

13. SEVERABILITY

- 13.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of Council that if any provision of this Bylaw be declared invalid, that provision shall be deemed to be served and all other provisions of Bylaw shall remain in force and effect.

14. REPEAL OF BYLAWS

- 14.1 The following Bylaws are hereby repealed upon the final passing of this Bylaw:
- i. Bylaw No. 736-98 Fire Bylaw

15. EFFECTIVE DATE

- 15.1 This Bylaw shall come into force and effect on the third and final reading.

READ a FIRST time this 24TH Day of February 2025.

READ a SECOND time this 24TH Day of February 2025.

READ a THIRD and FINAL time with the UNANIMOUS CONSENT OF ALL COUNCILLORS this 24TH Day

of February 2025.

Original Signed

Amy Cherniwchan
Mayor

Original Signed

Dawn Phillips
Chief Administrative Officer

Schedule "A"

FIRE PROTECTION CHARGES

1. In consideration of all circumstances surrounding an Insurable or Negligent Fire, The Town shall charge residents the following fees for fire calls:

Property and/or Vehicle Fires: **\$250.00** per hour per Fire Apparatus.

Minimum charge is \$250.00

2. Town of Smoky Lake will provide fire protection services assistance for neighboring jurisdictions that have entered into a **Mutual Fire Aid Agreement**.

The following fees for fire services shall apply:

Fire Apparatus: Hourly rates will be negotiated by the Mutual Fire Aid agreement partners.

Construction Equipment: cost will be based on the current Alberta Road Builders & Heavy Construction Rates. www.ARHCA.AB.CA

3. Town of Smoky Lake will provide fire protection services assistance for incidents involving a motor vehicle, or motor vehicles, on Provincial highways, as well as fires on provincial rights-of-way may be charged to Alberta Transportation at current rates determined by Alberta Transportations:

Type of Apparatus	Description
Ladder and Pumper Trucks	▪ Includes equipment costs, labour, and all materials. ▪ These are specialized pieces of equipment specifically designed and built to fight fires
Light and Medium Vehicles	▪ Used to transport manpower and equipment not covered under the rate for ladder and pumper trucks. ▪ Rescue vehicles must meet the equipment requirements listed in Section 4, particularly Table 4.2.2, of NFPA 1901. ▪ Light Rescue vehicles are permanently rigged and equipped to do basic rescue tasks using hand and basic extrication tools and medical aid equipment. ▪ Medium rescue vehicles carry more equipment to handle regularly occurring rescue tasks plus specialized rescue equipment.
Command Vehicles	▪ Vehicles to transport manpower to the incidents

3. Town of Smoky Lake will not respond to **Mutual Fire Aid** requests unless an agreement is executed with the Smoky Lake Regional Rescue Services. The fee and costs for fire services shall be the same as established within the Mutual Fire Aid Agreement.

Schedule "B"

PENALTY FEES

<u>SECTION</u>	<u>VIOLATION</u>	<u>PENALTY</u>
12.1.1	Obstruct Member of the Fire Department	\$ 250.00
12.1.2	Damage Fire Department Apparatus or Equipment	\$500.00 + Repair /Replace Costs
12.1.3	Drive over Equipment	\$ 100.00 + Repair /Replace Costs
12.1.4	Enter restricted area	\$ 100.0
12.1.5	Falsely representing Fire Department Member	\$ 100.00
12.1.6	Obstructing Approaches to Fire-Fighting Equipment	\$ 150.00
12.1.7	Lighting a fire anyplace in Town that does not adhere to the Community Standards Bylaw	\$ 300.00
12.1.9	Allow a running fire or wildfire to occur on the Property	\$ 500.00
12.1.10	Failing to control a fire	\$ 200.00
12.1.13	Lighting of fireworks when/where prohibited	\$ 100.00
12.1.20	Use fire to burn refuse other than in an incinerator	\$ 100.00
Breach of any of the provisions of this Bylaw not specified in this Schedule.		Not less than \$ 100.00 Not more than \$ 2,500.00

Schedule "C"

APPEAL NOTICE

Appeal Notice must be mailed or delivered to the Town of Smoky Lake within 30 days the directive was served to you.

Date: _____

**To: Chief Administrative Officer
Box 460
56 Wheatland Avenue
Smoky Lake, AB T0A 3C0**

I am appealing the Directive received on _____, about _____.
Date on notice Property Address

Reasons for appeal:

(Use separate sheet if necessary)

Name

Signature

Home# _____

Cell# _____

Address

NOTE: Only appeals filed within the 30-day period will be heard by the Town of Smoky Lake Council.