

TOWN OF TABER  
BYLAW NO. 18-2023

**BEING A BYLAW OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING FIRE SERVICES IN AND FOR THE TOWN OF TABER.**

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WHEREAS the *Municipal Government Act* (Alberta, R.S.A. 2000, Chapter M-26, and amendments thereto) permits that a Council of Municipality may pass a Bylaw for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Council of the Town of Taber wishes to provide for efficient operation of such services;

AND WHEREAS the *Safety Codes Act*, R.S.A. 2000, c. S-1, enables an accredited Municipality to make bylaws respecting fees for services provided pursuant to the *Act* and carrying out its powers and duties as an accredited Municipality;

AND WHEREAS the Town of Taber is an accredited Municipality under the Safety Codes Act in the fire discipline;

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

**1.0 NAME OF BYLAW**

This Bylaw may be cited as the "Fire Services Bylaw".

**2.0 DEFINITIONS**

In this Bylaw:

**Apparatus** means any vehicles provided with machinery, devices, equipment or materials for firefighting, vehicles used to transport firefighters, or supplies;

**Authority Having Jurisdiction** means the Fire Chief or Assistant Fire Chief, or any designated Officer of the Fire Department;

**Dangerous Goods** means any product, substance or organism specified in the regulations or include by its nature in any of the classes listed in the Dangerous Goods Transportation and Handling Act, R.S.A. 1988 Chapter 0-3.5 as amended and regulation therein;

**False Alarm** means any fire alarm that is set out needlessly, through willful or accidental,

TOWN OF TABER  
BYLAW NO. 18-2023

human or mechanical error, and to which the Fire Services responds;

**Fee Bylaw**

means the "Fee Bylaw: as amended or replaced from time to time by resolution of Council;

**Fire Protection**

means all aspects of fire safety including, but not limited to, fire prevention, firefighting or suppression, pre-planning, inspections, fire investigations, public education and information, training or other staff development and advising;

**Fire Pit**

means a fire which is totally confined within a non-combustible structure or container that has the smoke vents or top opening covered with a heavy gauge metal screen having a mesh which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fueled with clean dry wood, charcoal, coal, natural gas or propane;

**Fire Services**

means the Taber Fire Department as established and organized for the Town of Taber pursuant to the provisions of this Bylaw consisting of, but not limited to, all persons appointed or recruited to various positions, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the fire services, including fire stations;

**Fire or Fireworks Application**

shall mean an application form prescribed by the Fire Services for the purposes of applying for a Fire or Fireworks Permit;

**Fire or Fireworks Permit**

shall mean a Fire or Fireworks Permit in a form or forms prescribed by the Fire Services;

**Fireworks**

means the fireworks listed in Class 7, Division 1, and Class 7, Division 2,

TOWN OF TABER  
BYLAW NO. 18-2023

Subdivision 1 and 2 in Section 14 of the *Explosives Act* (Canada) and regulations under the *Act*;

**Incident**

means a fire, a situation where a fire or explosion is imminent, or any other situation where there is a danger or a possible danger to life, property, or environment and to which Fire Services has responded;

**Level of Service**

means the level of fire protection service approved by council as outlined in Schedule "A" to this Bylaw;

**Member**

means any person who is appointed to a role within the Fire Services by the Fire Chief;

**Municipality**

means the municipal corporation of the Town of Taber, in the Province of Alberta, and where the context requires, means all lands situated within the corporate boundaries of the Town of Taber;

**Officers**

means a Member employed by the Fire Chief to a supervisory position within the Fire Department;

**Open Fire**

means any Fire, Pit Fire, Public Park Site Fire and Smudge Fire, and which, without limiting the generality of the foregoing shall include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires and ground thawing fires;

**Peace Officer**

means a member of the Taber Police Services or Peace Officer employed by the Town of Taber;

**Portable Appliance**

means any appliance, commonly referred to as a barbeque, sold or constructed for the purpose of cooking food in the outdoors;

**Public Park Site Fire**

means a fire on land owned or leased by the Town of Taber or its agents for recreational purposes and is confined to

TOWN OF TABER  
BYLAW NO. 18-2023

a non-combustible container supplied by the Town of Taber, as approved by the Fire Services which is set for the purpose of cooking food, obtaining warmth or viewing pleasure. Such fire may only be fueled with clean dry wood;

**Property**

means any real or personal property including, but not limited to, land and structures;

**Safety Codes Officer**

means a member of the Fire Services that is designated as a Safety Codes Officer for the Fire Discipline under the *Safety Codes Act*;

**Smudge Fire**

means a fire confined within a non-combustible structure or container that is set on property of two (2) acres or more in area, for the purpose of protecting livestock from insects;

**Terms and Conditions**

means those Terms and Conditions prescribed by the Fire Services which shall be and form part of the Fire, Fireworks Permit Application and Fire or Fireworks Permit;

**Town**

means the Town of Taber;

**Violation Ticket**

means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, RSA, 2000, c. P-34 and any regulations therein.

**3.0 FIRE SERVICES**

3.1 The Council does hereby establish Fire Services for the purpose of:

3.1.1 Providing services to the level outlined in Schedule "A";

3.1.2 Preventing, combating or controlling incidents, management of fire extinguishing apparatus or equipment; and,

3.1.3 Purchasing and operating apparatus or equipment for extinguishing fires or preserving life and property.

**4.0 FIRE CHIEF**

4.1 The Chief Administrative Officer shall appoint the Fire Chief.

TOWN OF TABER  
BYLAW NO. 18-2023

- 4.2 The Fire Chief shall be responsible to the Chief Administrative Officer.
- 4.3 The Fire Chief has complete responsibility and authority over the Fire Services, subject to the direction of the Chief Administrative Officer or designate, and may prescribe rules, regulations and policies for the ongoing organization and administration of the Fire Services, including but not limited to:
  - 4.3.1 The use, care and protection of Fire Services property.
  - 4.3.2 The conduct, discipline, duties and responsibilities of the Members.
  - 4.3.3 The efficient operations of the Fire Services.
- 4.4 The Fire Chief shall:
  - 4.4.1 Upon approval of the Council, purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance and administration of Fire Services to be used in connection therewith,
  - 4.4.2 Keep or cause to be kept, in accordance with Town policies, records of all business transactions of the Fire Services, including the purchase or acquisition of equipment, apparatus, materials or supplies within allotted approved budget amounts, and retention/records of fires attended, actions taken in extinguishing fire, inspections carried out and actions taken on account of inspections and any other records incidental to the operation of the Fire Services
  - 4.4.3 Perform such functions and have such powers and responsibilities as Council may prescribe.
- 4.5 The Fire Chief or any other member in charge of an incident is empowered.
  - 4.5.1 Cause a building, structure or thing to be pulled down, demolished or otherwise removed if he/she deems it necessary to prevent the spread of fire to other buildings, structures or things.
  - 4.5.2 Establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized by him/her.
- 4.6 The Fire Chief or any other member in charge of an incident may at his/her discretion call upon Peace Officers to enforce restrictions on persons entering within the boundaries or limits outlined in sub-section 4.5.
- 4.7 The Fire Chief or any other member in charge at an incident, is empowered under the Safety Codes Act to use the Fire Services to enter without a warrant on any land or premises, including adjacent land or premises, to combat, control or deal with an incident in whatever manner he/she deems necessary in order to limit injury to person, loss of life, or damage to

TOWN OF TABER  
BYLAW NO. 18-2023

property or the environment.

- 4.8 The Fire Chief or any other member in charge at an incident may obtain assistance from other officials of the municipality, as he deems necessary in order to discharge his duties and responsibility at an incident.
- 4.9 The Fire Chief or any other member in charge at an incident may require persons who are not members to assist in extinguishing a fire, removing furniture, goods, or merchandise from any building on fire or in danger thereof and in guarding or securing and in demolishing a building or structure at or near the fire or other incident.
- 4.10 The Fire Chief or any other member in charge of an incident is empowered to commandeer privately owned equipment which he/she considers necessary to deal with an incident.
- 4.11 The Fire Chief or any other member in charge of an incident is empowered to activate and utilize any mutual aid agreements the Town of Taber may have with other municipalities.
- 4.12 The Fire Chief or any member in charge of an incident, including a Peace Officer at any time may cause any vehicle to be removed and taken to and stored at the vehicle owner's expense when the vehicle prevents access by the fire service to a fire hydrant, access road, street, fire alarm, cistern, connections provided for sprinkler systems, standpipes or body of water designated for firefighting purposes.

**5.0 MEMBERS**

- 5.1 Members will endeavor to perform Fire Protection and Rescue Services in a safe manner. In accordance with;
  - 5.1.1 Good judgment;
  - 5.1.2 This bylaw;
  - 5.1.3 Other related bylaws;
  - 5.1.4 The established policies and procedures of the Fire Department;
  - 5.1.5 The training provided;
  - 5.1.6 The *Traffic Safety Act*;
  - 5.1.7 The *Safety Codes Act*;
  - 5.1.8 The *Occupational Health and Safety Act*;
  - 5.1.9 Other relevant federal and provincial legislation; and,

TOWN OF TABER  
BYLAW NO. 18-2023

5.1.10 Best safe working practices.

5.2 Members shall be reimbursed for time spent at training and calls as per Town of Taber policy.

## **6.0 JURISDICTION**

6.1 The limits of the jurisdiction of the Fire Services provided will extend to the area and boundaries of the Town of Taber and no part of the fire apparatus or service shall be used beyond the limits of the Town of Taber without the express authority of a written contract or mutual aid agreement providing for the supply of firefighting or rescue services or other fire related services outside the Town of Taber boundaries.

## **7.0 REQUIREMENT TO REPORT**

7.1 The Owner, or his / her authorized agent, of any property damaged by fire shall immediately report to the Fire Services particulars of the incident in a manner satisfactory to the Fire Chief.

7.2 The Owner or his/her authorized agent, of any property containing a Dangerous Good(s) product, which sustains an accidental or unplanned release of the Dangerous Good(s) product, shall immediately report to the Fire Services particulars of the release, in a manner satisfactory to the Fire Chief.

## **8.0 PERMITS**

8.1 No person shall permit an Open Fire upon land owned or occupied by him/her or under his control within the Town of Taber except when he is the holder of a subsisting Fire Permit issued pursuant to this Bylaw outlined in Schedule B unless:

8.1.1 The fire has been set by the Fire Services for the purpose of training or controlling hazards.

8.1.2 The fire is in a portable appliance and the appliance is used in accordance with the *Safety Codes Act*, Alberta Fire Code and Section 9 of this Bylaw.

8.2 No person shall possess, sell, purchase, or discharge fireworks within the Town of Taber except when he/she is the holder of a subsisting fireworks permit issued pursuant to this Bylaw and Federal Regulations.

8.3 Any person wishing to obtain a Fire or Fireworks Permit must complete a Fire or Fireworks Permit Application and submit the completed Application to Fire Services.

TOWN OF TABER  
BYLAW NO. 18-2023

- 8.4 Upon receipt of a completed Fire or Fireworks Permit Application, the Fire Services shall consider the Fire or Fireworks Permit Application and may, with the Fire Chief or Designate discretion:
- 8.4.1 Refuse to grant a Fire or Fireworks Permit;
  - 8.4.2 Grant a Fire or Fireworks Permit; or,
  - 8.4.3 Grant a Fire or Fireworks Permit upon such additional terms and conditions as the Fire Services deems appropriate.
- 8.5 Fire or Fireworks Permit shall not be transferable.
- 8.6 Fire or Fireworks Permits issued pursuant to this Bylaw are valid for such periods of time as shall be determined and set by the Fire Chief or designate and the Fire or Fireworks Permit shall have endorsed therein, the period of time for which the said Permit is valid.
- 8.7 The Fire Service may extend the Fire or Fireworks Permit beyond the period of time that a Permit is valid, provided the Permit has not expired before the request to extend has been made.
- 8.8 The Fire Service may, at its sole and absolute discretion, terminate a Fire or Fireworks Permit and suspend or cancel a Fire or Fireworks Permit at any time.
- 8.9 Each Fire or Fireworks Permit application and Fire or Fireworks Permit must contain the following information:
- 8.9.1 The name, address and telephone number of the applicant;
  - 8.9.2 The reason the Fire or Fireworks Permit is required;
  - 8.9.3 The address or legal land description of the land on which the applicant proposes to set a fire; or possess, sell, discharge or purchase Fireworks;
  - 8.9.4 The type and description of material which the applicant proposes to burn or the type of fireworks involved and amount to be used;
  - 8.9.5 The period of time for which the Fire or Fireworks Permit is valid;
  - 8.9.6 The additional terms and conditions, if any, that must be taken by the applicant to ensure safety; and,
  - 8.9.7 An acknowledgement by the applicant that the applicant has read, understood, and agrees to comply with the Terms and Conditions as set out on the Fire or Fireworks Permit.



**TOWN OF TABER**  
**BYLAW NO. 18-2023**

8.8 Where an incident or a potential incident exists, the Fire Chief or his designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any outdoor camping fire lit for cooking or warming purpose, or the discharging of fireworks within all or portions of the Town of Taber for such a period of time and on such conditions as may be determined by the Fire Chief or his designate.

8.8.1 Nothing in this Bylaw shall be deemed to authorize any fire, burning or other act, which is in contravention of the *Environmental Protection and Enhancement Act* RSA. 2000, c. E-18 or any regulation made therein, and in the event of any conflict between the provisions of this Bylaw and the said *Act* or Regulations, the provisions of the said *Act* or Regulations shall take precedence.

**9.0 FIRE PIT, OUTDOOR FIREPLACES AND STATIONARY BARBECUES**

9.1 Fire permits are not required for fires that are entirely contained in fire pits, outdoor fireplaces and stationary barbecues that:

9.1.1 Are not less than 3 meters from all buildings, property lines and combustible materials and are not located over any underground utilities or under any above ground wires.

9.1.2 Have a surface area or cooking area of not more than 7088 cm<sup>2</sup>.

9.1.3 Have enclosed sides no greater than 460 mm above ground level.

9.1.4 Are constructed of bricks, concrete blocks, heavy gauge metal, or other suitable non-combustible components as approved by the Town of Taber.

9.1.5 Have a spark arrestor mesh screen of 13 mm expanded metal or equivalent.

9.1.6 Are used to burn only clean fuel (clean dry wood).

9.1.7 Are not used to burn refuse or waste matter.

9.1.8 Do not emit sparks onto neighboring property.

9.1.9 Do not release dense or opaque smoke into the atmosphere in a manner which may cause health problems or be a nuisance to neighbors.

9.1.10 Always supervised by a reasonable person until such time that it has been extinguished.

9.1.11 A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire.

9.2 Have a flame height that does not exceed 900 mm above the barbecue/ fire pit.

TOWN OF TABER  
BYLAW NO. 18-2023

- 9.3 A fire extinguisher or garden hose must be present for extinguishing any spot fires that may occur. A garden hose must be connected to a working faucet.
- 9.4 Fire permits are not required for portable barbeques which burn liquefied petroleum gas (LPG), natural gas, compressed briquettes, or charcoal when used for the purpose of cooking or obtaining warmth provided the appliances for cooking or obtaining warmth are used on the private property or in a public area as provided by the authority having jurisdiction.

**10.0 RECOVERY OF COSTS**

- 10.1 Upon providing Fire Protection on Property within or outside the Municipality's boundaries, the Municipality may, in its sole discretion and unless otherwise agreed, charge the Owner or occupant of the property a Fire Protection Fee in accordance with Fee bylaw.
- 10.2 Where the Fire Services performs inspections, investigations, or performs any other service listed in the Fees and Charges Schedule, The Fire Chief shall charge the fees listed in the Fees Bylaw.
- 10.3 The Municipality may bill the costs and any costs of additional materials, services and supplies to the registered owner, their insurance company, or Alberta Transportation to cover response to all vehicular fires and collisions which occur on or within their response area. Such invoices will be at the current rates established by Alberta Transportation per unit utilized at said vehicular fire or collision.
- 10.4 The Municipality may bill the costs and any costs of additional materials, services, and supplies to the registered owner, their insurance company, or Alberta Transportation for all responses involving actual or potential product releases of dangerous goods within the Municipality.
- 10.5 The council reserves the right to waive any service fees imposed under this section upon representation by the owner. Such representation will require written notice of concerns being addressed to Council within 60 days of issuance of an invoice by the Municipality.
- 10.6 The schedule of costs and fees to be charged by Fire Services for services rendered pursuant to this or any other bylaw shall be as set out in the Fees bylaw.
- 10.7 The Town of Taber may recover such costs or fees as a debt due and owing to the Town of Taber. In the case of action taken by Fire Services in respect of land within the Town of Taber, where the costs or fee is not paid upon demand by the Town of Taber, then in default of payment, such costs or fees may be charged against the land as taxes due and owing in respect of that land.

TOWN OF TABER  
BYLAW NO. 18-2023

**11.0 OFFENCES**

- 11.1 Any person who ignites, fuels, supervises, maintains or allows on Open Fire within the municipal boundaries of the Town of Taber without a valid Fire Permit as required by this Bylaw is guilty of an offence, unless:
- 11.1.1 The fire has been set by the Fire Services for the purpose of training or controlling hazards.
- 11.1.2 The fire is a Municipal Park Site Fire in an area preauthorized by the Fire Chief.
- 11.1.3 The fire is in a portable appliance and the appliance is used in accordance with the Safety Codes Act and the Alberta Fire Code; or,
- 11.1.4 The fire has otherwise been authorized by The Fire Chief.
- 11.2 Any person who ignites, fuels, supervises, maintains or allows on Open Fire within the municipal boundaries of the Town of Taber without a valid Fire Permit as required by this Bylaw is guilty of an offence, unless:
- 11.2.1 The fire has been set by the Fire Services for the purpose of training or controlling hazards.
- 11.2.2 The fire is a Municipal Park Site Fire in an area preauthorized by the Fire Chief.
- 11.2.3 The fire is in a portable appliance and the appliance is used in accordance with the Safety Codes Act and the Alberta Fire Code, or.
- 11.2.4 The fire has otherwise been authorized by The Fire Chief.
- 11.3 Any person ordered under section 11.2 to extinguish a fire shall: immediately and without delay completely extinguish the fire and shall ensure the fire remains out until such time as a permit, under this Bylaw, is issued.
- 11.4 No person shall:
- 11.4.1 Allow, authorize, permit, or continue to burn garbage, leaves, straw, painted wood, treated construction materials and items made of or containing rubber, plastic, tar or any materials deemed for disposal.
- 11.4.2 Deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire.
- 11.4.3 Conduct any activity that involves the use of fire that might reasonably be expected to cause a fire unless he/she exercises reasonable care to prevent the fire from occurring.
- 11.4.4 Provide false, incomplete or misleading information to the Fire Services or the Town of Taber on or with respect to a Fire or Fireworks Permit Application.
- 11.4.5 Interfere or obstruct the efforts of persons authorized in this bylaw to extinguish fires or preserve life, property, or the environment.

TOWN OF TABER  
BYLAW NO. 18-2023

- 11.4.6 Interfere with the operation of any Fire Services equipment or apparatus required to extinguish fires, preserve life, property, or environment.
- 11.4.7 Damage or destroy Fire Services property.
- 11.4.8 Falsely state him/herself as a Fire Services Member or wear or display any Fire Services badge, cap, button, insignia, uniform, license plate, department identification, or other paraphernalia except with the express written consent of the Fire Chief.
- 11.4.9 Falsely state that he/she has the sanction of the Fire Department in soliciting any person, agency, society or company on any matter.
- 11.4.10 Discharge, possess, sell or purchase any fireworks without a permit issued in accordance with this Bylaw and the Alberta Fire Code.
- 11.4.11 Enter the boundaries or limits of an area prescribed in accordance with Section 4.5 of this bylaw unless authorized by the Fire Chief or member in charge.
- 11.4.12 Move fire equipment or drive a vehicle over any fire hoses or other equipment without the permission of the Fire Chief or the Member in charge.
- 11.4.13 Other than an employee of the Town of Taber, Public Works or contracted agency, or member of the Fire Services shall use any fire hydrant for the purpose of obtaining or discharging water from such hydrant.
- 11.4.14 Obstruct, prevent or refuse to admit a Safety Codes Officer, Fire Inspector or Investigator in, to, or upon any land, premises, yards, or buildings for the purpose of investigating the same, or who incites or abets such action shall be considered in breach of this Bylaw. The Safety Codes Officer(s) for the Town of Taber shall have all powers as provided for in the Safety Codes Act with reference to the Fire Discipline.

**12.0 PENALTIES**

- 12.1 A person who contravenes any Section of this Bylaw or fails to comply, with any condition in a permit, with any order or request directed to him pursuant to this bylaw is guilty of an offence and liable:
  - 12.1.1 If the offence is a contravention of this Bylaw, to a fine of not less than \$100.00 and not more than \$2,000.00;
  - 12.1.2 To the minimum fine established in The Fees and Charges Schedule of this Bylaw; or,

TOWN OF TABER  
BYLAW NO. 18-2023

12.1.3 To a fine not more than \$2,000.00.

12.2 Any Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

12.3 Where a contravention of this bylaw is of a continued nature further Violation Tickets may be issued by the Peace Officer, provided that no more than one Violation Ticket shall be issued for each day that the contravention continues.

12.4 The minimum fine identified in the Fees and Charges Schedule of this bylaw may be used as a voluntary penalty on a violation ticket issued by a Peace Officer.

12.5 Nothing in this Bylaw may prevent a Peace Officer from issuing a Violation Ticket with a mandatory Court appearance to any person who contravenes any provision of the Bylaw.

### **13.0 DISCHARGE OF DUTIES**

13.1 The Fire Chief or any member of the Fire Service charged with any duty provided in this bylaw, acting in good faith and without malice for the municipality in the discharge of his/her duties, shall not hereby render him/herself liable personally for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his/her duties.

### **14.0 INDEMNIFICATION**

14.1 The town shall indemnify and save harmless any member, acting in good faith and without malice, from any and all actions, cause of actions, claims and demands arising out of any act or omission made by him or her while he or she was engaged in the exercise of his or her duties and responsibilities under this bylaw.

14.2 The Town shall undertake to defend any action or suit brought against a member for whom indemnification is allowed under section 14.1 of this Bylaw.

### **15.0 RESCINDED OR AMENDED BYLAWS**

Bylaw No. 5-2016 is hereby repealed in its entirety.

### **16.0 EFFECTIVE DATE**

This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

TOWN OF TABER  
BYLAW NO. 18-2023

RES. 334/2023      Read a first time this 23<sup>rd</sup> day of October, 2023.  
RES. 335/2023      Read a second time this 23<sup>rd</sup> day of October, 2023.  
RES. 337/2023      Read a third time and finally passed this 23<sup>rd</sup> day of October,  
2023.

TOWN OF TABER

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER (C.A.O.)