

VILLAGE OF HUSSAR  
BYLAW 501-15

A BYLAW IN THE VILLAGE OF HUSSAR TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES, AUTHORIZING THE PREVENTION AND CONTROL OF FIRES AND FOR THE PROTECTION OF PEOPLE AND PROPERTY WITHIN THE VILLAGE.

**WHEREAS** the Municipal Government Act RSA 2000, Chapter M-26 and all amendments thereto provides that a Council of a Municipality may pass bylaws for the safety, health and welfare of people, the protection of people and property and for services provided by or behalf of the Municipality;

**AND WHEREAS** Sections 7 and 8 of the Municipal Government Act RSA 2000, Chapter M-26 and all amendments thereto provide that a Council of a Municipality may pass bylaws establishing a system of licenses, permits or approvals including the establishment of fees and penalties;

**AND WHEREAS** the Hussar Rural Fire Department is a volunteer fire service comprised of volunteer firefighters and the safety of residents and firefighters is paramount and will therefore primarily engage in rescue, Medical First-Response, Basic exterior fire suppression, and defensive firefighting activities;

**NOW THEREFORE** the Council of the Village of Hussar in the Province of Alberta duly assembled hereby enact as follows:

**1. TITLE**

1.1 This Bylaw may be cited as the Fire Bylaw.

**2. DEFINITIONS**

2.1 In this Bylaw:

- a) APPARATUS means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport fire fighters or supplies;
- b) CAO means the Chief Administrative Officer of the Village of Hussar;
- c) COUNCIL means the duly elected Council of the Village of Hussar;
- d) COUNTY means Wheatland County;

- e) ENFORCEMENT OFFICER means any member of the Royal Mounted Canadian Police, Wheatland County Protective Services members, Safety Codes Officer or a Bylaw Officer or Peace Officer of the Village of Hussar;
- f) EQUIPMENT means any tools, devices or material used by the Fire Department to combat an incident or other emergency;
- g) FIRE means any combustible material in a state of combustion;
- h) FIRE BAN means any order from the Province of Alberta, Village Council or CAO, or from the Fire Chief which prohibits or restricts fires in all or any part of the Village and includes a Fire Advisory or a Fire Restriction;
- i) FIRE CHIEF means the member appointed as head of the Fire Department;
- j) FIRE DEPARTMENT means the Hussar Rural Fire Association;
- k) FIRE HAZARD means any condition, circumstance or event that increases the possibility and/or probability of a fire incident;
- l) INCIDENT means a fire or a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded;
- m) MEMBER means any individual who is a duly appointed member of the Fire Department, including the Fire Chief and Deputies, Officers and volunteer members;
- n) PROHIBITED DEBRIS means any material that when burned will result in the release to the atmosphere dense smoke, offensive odours or a substance, the release of which is regulated, prohibited or controlled by the Environmental Protection and Enhancement Act and regulations thereunder and includes but is not limited to:
  - i) animal carcasses;
  - ii) animal manure;
  - iii) chemicals and chemical containers;
  - iv) combustible material in automobiles;
  - v) household refuse;
  - vi) non-wooden material;
  - vii) paints and painting materials;
  - viii) pathological waste;
  - ix) rubber or plastic or anything containing or coated with rubber or plastic or similar substances;
  - x) tires;
  - xi) used oil; or
  - xii) wood or wood products containing substances for the purpose of preserving wood;
- o) 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 and such a fire shall only be fueled with seasoned non-treated wood, charcoal, natural gas or propane;

- p) RUNNING FIRE means a fire burning without being under the proper control of any person;
- q) VILLAGE means the Village of Hussar in the Province of Alberta.

### **3. FIRE DEPARTMENT**

- 3.1 Council hereby contracts with the Hussar Rural Fire Association, operating as the Hussar Fire Department as set forth in this Bylaw for the purpose of:
  - a) providing Fire Protection Services within the Village;
  - b) preventing, combating and extinguishing Fire and Incidents;
  - 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 the approved Fire Protection Agreement;
  - f) providing public education about Fire Safety;
  - g) pre-fire and Emergency planning and practice;
  - h) providing Medical First Response to medical incidents in support of Alberta Health Services EMS units; and
  - i) providing rescue services.
- 3.2 The position of Fire Chief shall be ratified annually by a resolution of Council at the Organizational Meeting of Council.
- 3.3 Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by Council and the Fire Chief shall report to Council on the operations of the Fire Department or on any other matter in the manner designated by Council, as per the Fire Protection Agreement

### **4. FIRE CHIEF DUTIES AND AUTHORITY**

- 4.1 The Fire Chief, or in his or her absence the senior member present, shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an Incident within the Village and where a member is in charge, shall continue to act until relieved by another officer authorized to do so.
- 4.2 The Fire Chief shall take responsibility for all fire protection matters, including the enforcement of the Fire Prevention Act and regulations thereunder within the Village
- 4.3 The Fire Chief, or any other member in charge at an incident, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he or she deems it necessary to prevent the spread of Fire to other buildings, structures or things, within the Village.

- 4.4 The Fire Chief, or any other member in charge at an Incident, is empowered to enter the premises or property where the Incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he or she deems necessary, in order to combat, control or deal with the Incident within the Village.
- 4.5 The Fire Chief, or member in charge may obtain assistance from other officials as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.
- 4.6 No person shall enter the boundaries or limits of an area prescribed in accordance with Section 4.5 unless that person has been authorized to enter by the Fire Chief or person in charge.
- 4.7 The Fire Chief, or person in charge of an Incident, may request any Enforcement Officer to enforce restrictions on persons entering within the boundaries or limits outlined in Section 4.5.
- 4.8 The Fire Chief, or member in charge at an Incident, is empowered to enter, pass through or over buildings or property adjacent to an Incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over the buildings or property where he or she deems necessary to gain access to the Incident or to protect any persons or property.
- 4.9 The Fire Chief, or member in charge of an incident, may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the Fire or Incident.
- 4.10 The Fire Chief, or member in charge of an Incident, is empowered to commandeer privately owned equipment which he or she considers necessary to deal with an incident

## **5. PROHIBITIONS**

- 5.1 No person shall set, or cause to be set, any fire within the boundaries of the Village except as otherwise provided in this Bylaw.
- 5.2 No person shall burn, or cause to be burned, any Prohibited Debris, refuse, waste, junk, garbage, structures, debris or other noxious substance within the Village.

- 5.3** No person shall allow the flames of a recreational fire to reach a height greater than one (1) metre (3.28 feet) above the grate of a fire pit or shall use a fire pit greater than 0.37 square metres (4 square feet) in size.
- 5.4** Subject to Section 6, a person may, on property owned or controlled by him or her, set a recreational fire so long as that recreational fire is set within a fire pit or other structure designed for the purpose of containing the recreational fire within a small controlled area, including but not limited to, a rock, stone or brick fire pit, barrel or barbeque and:
- a) there is a minimum of four (4) metres clearance from buildings, property lines and combustible materials;
  - b) it is constructed of bricks, concrete blocks, heavy gauge metal or other suitable non-combustible components;
  - c) it has a spark arrestor mesh screen of .07 centimetres (.25 inches) expanded metal, or equivalent, to contain sparks over the fire at all times;
  - d) it is supervised at all times by a responsible adult person until such time that the fire has been extinguished. A fire is deemed to include hot ashes and smoldering embers resulting from the fire;
  - e) only wood, charcoal briquettes, propane or natural gas fuels are used; and
  - f) flame height does not exceed one (1) metre (3.28 feet) above the incinerator, barbeque or fire pit.

**6. FIRE ADVISORIES RESTRICTIONS AND BANS**

- 6.1** The Village Council, CAO or Fire Chief may from time to time prohibit any or all fires within the Village, including recreational fires when the prevailing environmental conditions give rise to an increased risk of a Fire becoming a Running Fire.
- 6.2** A prohibition under Section 6.1 includes a Fire Advisory, Fire Restriction or Fire Ban.
- 6.3** A Fire Advisory, Restriction or Ban imposed by the Village Council, CAO or Fire Chief under Section 6.1 shall remain in force until such time as the Village Council, CAO or Fire Chief gives notice to the public that the Fire Advisory, Restriction or Ban has been lifted.
- 6.4** When a Fire Advisory, Restriction or Ban is in effect, no person shall ignite, or cause or allow a fire to be ignited, which is not in compliance with the Fire Advisory, Restriction or Ban.

**7. CONTROL OF FIRE HAZARDS**

- 7.1** If the Fire Chief, or his or her designate, finds within the Village, on privately owned land or occupied public land, conditions that in his or her opinion constitute a Fire Hazard, he or she may give an Order to the owner or the person in control of the land on which the Fire Hazard exists to reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by Village Council.
- 7.2** If the Fire Chief or his or her designate finds that the Order issued pursuant to Section 7.1 has not been carried out, he or she may enter onto the land with any equipment and any person he or she considers necessary and may perform the work required to reduce or eliminate the Fire Hazard.
- 7.3** The owner of the land on which work was performed pursuant to Sections 7.1 and 7.2 shall, upon demand, pay to the Village all costs related to any work performed including any administration fees as determined by a resolution of Village Council.
- 7.4** Any default of payment of any charges pursuant to Section 7.3 may be added to the tax roll of the land where the work was performed in accordance with the Municipal Government Act and which forms a special lien against the land in favour of the Village, from the date it was added to the tax roll.

**8. OFFENCES**

- 8.1** No person shall:
- a) contravene any provision of this Bylaw;
  - b) impede, obstruct or hinder a member or enforcement officer or any other person assisting or acting under the direction of a member;
  - c) damage or destroy Fire Department equipment or property;
  - d) at an Incident, drive a vehicle over any apparatus or equipment without permission from the Fire Chief or Incident Commander;
  - e) obstruct a member from carrying out any function or activity related in any way to fire protection;
  - f) falsely represent themselves as a member of a Fire Department or wear or display any fire service badge, cap, button, insignia or other paraphernalia which may leave the false impression that the person is a member of a Fire Department;
  - g) obstruct or otherwise interfere with access roads or streets, highways or other approaches to any fire alarm, fire hydrant, cistern or body of water designated or intended to be used for fire protection or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated or intended to be used for fire protection;



- h) no person shall light an outdoor fire, incinerator fire or recreational fire during a Village or Provincial Fire Ban pursuant to the Forest and Prairie Protection Act or in contravention of a Fire Advisory, Ban or Restriction;
- i) either directly or indirectly, personally or through an agent, kindle a fire or let it become a Running Fire on any land not his or her own property or allow a Running Fire to pass from his or her own property to that of another;
- j) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
- k) light a fire when the weather conditions are conducive to creating a Running Fire;
- l) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto property other than his or her own;
- m) deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a fire;
- n) conduct any activity that involves the use of fire, open flame, explosives, flammable devices, appliances or equipment or ignition sources that might reasonably be expected to cause a fire unless that person exercises reasonable care to prevent to fire from occurring;
- o) use a fire to burn Prohibited Debris, materials that will result in the production of dense black smoke, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, creosoted wood, treated timber or herbicides, pesticides or other toxic materials or substances;
- p) conduct any activity that involves the use of a fire where smoke from the fire may impede visibility of the vehicular traffic on any roadway or highway;
- q) allow any fire to give off a dense smoke or offensive odour in a manner which creates a risk to public safety or creates a nuisance to neighbouring person(s) or property; or
- r) light a fire on lands owned or controlled by the Village of Hussar other than in an approved fire pit in the Village of Hussar Campground.
- s) Discharge fireworks or incendiary devices within the Village without Council and Fire Department consent.

**8.2** Any person, whether in possession of a valid Fire Permit or otherwise, who lights a fire in accordance with this Bylaw is responsible to ensure that the fire is conducted in a safe manner in accordance with the terms of the Fire Permit and this Bylaw and that the fire is fully extinguished when no longer in use.

**9. PENALTIES**

**9.1** Any person who:

- a) violates any provision of this Bylaw;
- b) suffers or 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 any act or thing, thus violating any provisions of this bylaw

is guilty of an offence under this bylaw and upon conviction is liable to a fine as set out in Schedule A, attached hereto and forming part of this bylaw.

- 9.2** Any person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to a period of imprisonment not exceeding one (1) year.

**10. VIOLATION NOTICE**

- 10.1** Where an Enforcement Officer believes that a person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against the person by issuing a Violation Notice as per Schedule B of this Bylaw or by issuing a Violation Tag or Ticket.

**11. INDEMNITY**

- 11.1** No employee or Agent of the Village of Hussar or the Hussar Fire Department shall be held liable for any loss or damage caused by anything said or done or omitted to be said or done in good faith in the performance or intended performance of their functions, duties or powers under this Bylaw or any applicable legislation or bylaw unless the circumstances constitute defamation, dishonesty, gross negligence or wilful misconduct.

**12. SEVERABILITY**

- 12.1** Each provision of this Bylaw shall be held independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**13. STRICT LIABILITY**

- 13.1** It is the intention of Council that all offences created by this Bylaw to be interpreted to be strict liability offences.

**14. INTERPRETATION**

- 14.1** Wherever the provisions of the Fire Services Bylaw are, or are deemed to be, at variance with each other, the more restrictive of the provisions shall apply.



**15. APPEAL**

**15.1** Any person who considers him or herself aggrieved by a written order given pursuant to this Bylaw may appeal the direction of Council under the terms of the Municipal Government Act.

**16. GENERAL**

**16.1** Upon the third and final reading of this Bylaw, all previous Bylaws of the Village of Hussar related to the regulation and control of Fire and Fire Services in the Village of Hussar shall be repealed.

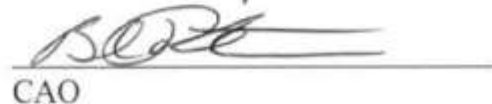
**16.2** This Bylaw shall come into full force and effect upon the third and final reading of Council.

Read a first time this 19 day of November, 2015

Read a second time this 7 day of April, 2016.

Read a third and final time this 14 day of July, 2016

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO

Schedule A – Fees and Fines

Schedule B – Violation Notice

**VILLAGE OF HUSSAR  
FIRE BYLAW 501-15  
SCHEDULE A - PENALTIES**

**PENALTIES**

Section	Offence	Minimum Penalty (First Offence)
5.3	Allows a fire to burn higher than 1 metre above an approved fire pit or burns in a fire pit larger than 0.37 square metres	\$ 500.00
5.4	Burns a recreational fire outside of an approved fire pit	\$ 500.00
8.1(a)	Contravene any provision of this Bylaw where a specified penalty is not listed	\$ 500.00
8.1(b)	Impede, obstruct or hinder an Enforcement Officer	\$1000.00
8.1(c)	Damage or destroy Fire Department equipment	\$1000.00
8.1(d)	Drive over Fire Department equipment or apparatus	\$ 500.00
8.1(e)	Obstruct a member from carrying out duties related to fire protection	\$1000.00
8.1(f)	Falsely represent oneself as a Fire Department member	\$ 500.00
8.1(g)	Obstruct access to roads or equipment etc. intended for fire protection	\$1000.00
8.1(h)	Burn during a Fire Ban or in contravention of a Fire Advisory or Restriction	\$1000.00
8.1(i)	Light a fire not on own property or allow a Running Fire to pass from his or her own property to another	\$1000.00
8.1(j)	Light a fire without taking sufficient precautions	\$ 500.00
8.1(k)	Light a fire in weather conditions conducive to creating a running fire	\$ 500.00
8.1(l)	Fail to take reasonable steps to control a fire	\$ 500.00
8.1(m)	Deposit or discard burning material where it might ignite other materials causing a fire	\$ 500.00
8.1(n)	Conduct any activity using the use of fire etc. without taking reasonable care to prevent fire from occurring	\$ 500.00
8.1(o)	Burn Prohibited Debris or produce dense smoke	\$1000.00
8.1(p)	Cause a fire to produce smoke that impedes visibility on roads	\$ 500.00
8.1(q)	Cause a fire to give off dense smoke or offensive odour creating a public health risk	\$ 500.00
8.1(r)	Light a fire on Village owner land except as permitted at the Hussar Campground	\$ 500.00
8.1(s)	Discharge fireworks or incendiary devices within the Village without Council and Fire Department consent	\$ 1,000.00
8.2	Fails to ensure safe operation of a fire or fails to fully extinguish a fire	\$ 500.00

**VILLAGE OF HUSSAR  
FIRE BYLAW 501-15**

**VIOLATION NOTICE**

Date: \_\_\_\_\_

Issued By: \_\_\_\_\_

Location of Violation:

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Section	Offence	Fine Amount

Please be advised that you are in violation of Village of Hussar Fire Bylaw 501-15. You may appeal within 15 days of the date of this notice, in writing, to the Village of Hussar Office at Box 100, 109 1 Avenue East, Hussar, Alberta T0J 1S0.

Please pay the fine as assessed within 60 days of this notice to the Village of Hussar. Any unpaid amounts may be transferred to the property tax roll as per the Municipal Government Act.