

# **TOWN OF WEMBLEY**

## **BYLAW 735**

### **A Bylaw of the Town of Wembley in the Province of Alberta for the Purpose of Establishing Fire and Emergency Services**

**“WHEREAS** Section 7 of the *Municipal Government Act*, Chapter M-26, RSA, 2000 and amendments thereto, provides that a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;”

**“AND WHEREAS** the Council of the Town of Wembley wishes to continue a fire protection and prevention service and to recover a portion of the costs of doing so,”

**“AND WHEREAS** the Council of the Town of Wembley acknowledges that the provision of fire and emergency response services is dependent upon a number of factors including the infrastructure and resources, and that in the result, the Town is unable to provide fire and emergency response services in the same manner or to the same standards which may be available in other jurisdictions, or to provide such services in the same manner or to the same standards in all areas of the Town, or to all people within the Town.”

**“NOW, THEREFORE,** the Council for the Town of Wembley, duly assembled, does hereby enact as follows:

#### **Part 1 – Interpretation**

- 1.1 This Bylaw shall be cited as the “Fire and Emergency Services Bylaw”.
- 1.2 In this Bylaw wherever the singular is used it also means the plural and wherever the masculine is used it also means the feminine, as the context requires.
- 1.3 Where there is any conflict between the provisions of this Bylaw and any other bylaw of the Town, the provisions of this Bylaw shall prevail.

#### **Part 2 –Definitions**

- 2.1 In this Bylaw:
  - (a) “Apparatus” means any vehicle or equipment operated for any purpose by the WFD.
  - (b) “WFD” means Wembley Fire Department
  - (c) “Council” means the Council of the Town of Wembley.
  - (d) “Town” means the Town of Wembley.

- (e) “Chief Administrative Officer” (CAO) means the person appointed by Council to the position of Chief Administrative Officer or their designate.
- (f) “Consumer Fireworks” means outdoor, low-hazard recreational fireworks such as showers, fountains, golden rain, Roman candles, volcanos, sparkers, and caps for toy guns, in accordance with the Explosives Regulation, 2013 and Natural Resources Canada’s Display Fireworks Manual, as amended or replaced from time to time.
- (g) “Display Fireworks” means high-hazard recreational fireworks such as aerial shells, mines, and larger roman candles, designed for use at public gatherings, in accordance with the Explosives Regulation, 2013 and Natural Resources Canada’s Display Fireworks Manual, as amended or replaced from time to time.
- (h) “Display Supervisor” as per the meaning set out in Natural Resources Canada’s Display Fireworks Manual, as amended, or replaced from time to time.
- (i) “Emergency” means any situation or incident, where there is a real or perceived danger to the safety, health or welfare of a person, property, or the environment.
- (j) “Equipment” means any tool, contrivance, device, or material used by a member to respond to or mitigate an emergency whether or not that tool, contrivance, device or material is owned, conscripted or hired by the Town.
- (k) “Fire Ban” means a Provincial Fire Ban, or a Fire Ban Order approved by the CAO or Fire Chief.
- (l) “Fire” means the burning of any flammable or combustible material.
- (m) “Fire Chief” means the person appointed as head of the Wembley Fire Department or his designate.
- (n) “Fire Officer” means a person appointed as a Chief Officer, Captain, Lieutenant of the WFD.
- (o) “Fire Permit” means a permit issued by the Fire Chief or his designate.
- (p) “Fire Season” means from March 1<sup>st</sup> to October 31<sup>st</sup>, annually, unless otherwise directed by the Province of Alberta.
- (q) “Fire Pit” means an outdoor receptacle that meets the following specifications:
  - i. a minimum of 3-metre clearance, measured from the nearest Fire Pit edge, is maintained from buildings, property lines, or other combustible material,
  - ii. a minimum of one and a half times the height of the fire pit of noncombustible material surrounding the outer perimeter of the fire pit,

- iii. the fire pit height does not exceed 0.6 metre when measured from the surrounding grade to the top of the pit opening,
  - iv. the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges,
  - v. the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief,
  - vi. a spark arrester mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire opening in a manner sufficient to contain and reduce the hazards of airborne sparks,
  - vii. the fire pit is not located over any underground utilities or under any aboveground wires, and
  - viii. is otherwise acceptable to the Fire Chief or his designate.
- (r) “Fireworks Permit” means the permit required to display or sell fireworks within the Town and includes but is not limited to a permit for Consumer Fireworks, Display Fireworks, or the sale of fireworks.
- (s) “Incident Commander” means the member on site at an emergency who is responsible for WFD emergency response service actions.
- (t) “Light” means to start, ignite, kindle, maintain or to do any other action that allows a fire to progress or continue to burn.
- (u) “Member” means any person duly appointed as a member of the WFD whether that member is full time, part time, paid or volunteer and includes members of a Fire Service or a Peace Officer dispatched to assist at the mitigation of an emergency, or any persons asked or conscripted to assist with the mitigation of an emergency.
- (v) “Occupant” means any person other than the registered owner who is in possession or control of the property including, but not restricted to, a lessee, licensee, tenant, or agent of the owner.
- (w) “Owner” means:
  - i. the person as registered on title at the Land Titles Offices; or
  - ii. a person who is recorded as the owner of the property on the assessment roll of the County; or
  - iii. in the case of a motor vehicle the registered owner of the vehicle or company.
- (x) “Peace Officer” means a member of the Royal Canadian Mounted Police; a Peace Officer appointed pursuant to the *Peace Officer Act*; a Bylaw Enforcement Officer employed by the County of Grande Prairie No. 1.
- (y) "Prohibited Debris" means any matter that, when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances and includes but is not limited to:

- i. animal manure,
- ii. pathological waste,
- iii. non-wooden material,
- iv. waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives,
- v. combustible material in automobile bodies,
- vi. tires,
- vii. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel,
- viii. solid waste from sawmills or planing mills with an annual production in excess of 9,500 cubic meters of lumber,
- ix. used oil,
- x. wood or wood products containing substances for the purpose of preserving wood; or
- xi. any other waste defined as Prohibited Debris under the *Environmental Protection and Enhancement Act*.

(z) “RESO” means the County of Grande Prairie Regional Enforcement Services Department.

(aa) “Running Fire” means a fire burning not under control.

(bb) “Violation Ticket” means a violation ticket as defined in the *Provincial Offences Procedure Act*.

### **Part 3 – Emergency Medical Services**

- 3.1 Alberta Health Services (AHS) is responsible for ground ambulance services in Alberta and will be the Ambulance Service Provider for the Town of Wembley and such service shall be provided in accordance with the terms of any agreement between WFD, AHS, and any other approved service provider and this Bylaw.

### **Part 4 – Wembley Fire Department**

- 4.1 The Wembley Fire Department shall consist of the Fire Chief, members, buildings, apparatus, and equipment as is deemed necessary by Council to safeguard the safety, health, and welfare of people and to protect people, property, and the environment at any level of service as may be directed by Council from time to time.

### **Part 5 - Jurisdiction**

- 5.1 The limits of the jurisdiction of the WFD, its members, equipment and apparatus will extend to the area and boundaries of the Town and no part of the aforementioned shall be used beyond the limits of the Town without the express authorization of a written agreement for services conducted outside the Town or upon the express permission of the Fire Chief or his designate.

### **Part 6 – Fire Chief**

- 6.1 Council shall appoint the Fire Chief on the recommendation of the CAO.

- 6.2 The Fire Chief shall develop rules, regulations, policies and guidelines for the management and operation of the WFD.
- 6.3 The Fire Chief shall have control, direction, and management of any WFD apparatus, equipment, or personnel assigned to an emergency.
- 6.4 The Fire Chief may appoint other officers or members of the WFD as deemed necessary.

#### **Part 7 – Powers**

- 7.1 The Fire Chief or an Incident Commander on site at an emergency attended by the WFD, is empowered to:
- i. cause a building, structure, or thing to be pulled down, demolished, or otherwise removed, if deemed necessary, to prevent the spread of fire to other buildings, structures, or things,
  - ii. enter premises or property where the emergency occurred and to cause any member, apparatus, or equipment of the WFD to enter, as is deemed necessary, to combat, control, mitigate or investigate the incident or emergency,
  - iii. establish boundaries or limits at his discretion and keep persons from entering or remaining within the prescribed boundaries or limits unless those persons are authorized to enter or remain by the Incident Commander,
  - iv. at his discretion, call upon Peace Officers to enforce restrictions on persons entering or remaining within the boundaries or limits outlined in (iii) above or to assist in enforcing any other provision of this Bylaw,
  - v. enter, pass through or over buildings or property adjacent to an emergency and to cause members of the WFD and the apparatus and equipment of the WFD to enter or pass through or over the building or property, where he deems it necessary to gain access to the emergency or to protect any person or property,
  - vi. obtain assistance from other officials of the Town as deemed necessary to discharge duties and responsibilities under this Bylaw and such assistance shall be provided forthwith.
- 7.2 The Fire Chief, or an Incident Commander at an emergency is empowered to commandeer privately owned equipment and operators which he considers necessary to deal with the emergency and to authorize payment for that equipment and operators at rates not to exceed those established by guidelines, as may be approved by Council from time to time.
- 7.3 The Fire Chief or the Incident Commander at an emergency is empowered to compel any persons to assist at a fire or emergency.
- 7.4 The Fire Chief, or an Incident Commander is empowered to access any available water supply as deemed necessary at a fire or emergency.

## Part 8 - Permits

- 8.1 An application for either a Fire Permit or Fireworks Permit, shall be made to the Fire Chief or his designate in accordance with the requirements of Part 8 and 9 of this Bylaw.
- 8.2 The Fire Chief or his designate may, at his sole discretion, cancel or suspend Fire Permits or Fireworks Permits and may require the immediate extinguishment of all fires for a period of time as may be determined reasonable or necessary by the Fire Chief or his designate, at his sole discretion.
- 8.3 A Fireworks Permit to discharge consumer fireworks within the Town shall be obtained from the Fire Chief. The Fire Chief may refuse issuance of this permit or issue a permit with or without conditions, at his sole discretion. There shall be **NO** fee for this permit.
- 8.4 A Fireworks Permit to discharge display fireworks within the Town shall be obtained from the Fire Chief. The Fire Chief may refuse issuance of this permit or issue a permit with or without conditions at his sole discretion. An application for a Fireworks Permit shall be made by the Display Supervisor in writing to the Fire Chief at least fourteen (14) days before the intended date of the fireworks discharge or display. The fee for this permit shall be One Hundred (\$100.00) Dollars.
- 8.5 A Fireworks Permit application for display fireworks shall include all the following information:
  - i. the name, address and signature of the person or persons sponsoring the fireworks display,
  - ii. the name, certification number and signature of the Display Supervisor,
  - iii. the name of the person that is conducting the fireworks display,
  - iv. the date and time of the purposed display,
  - v. a detailed description of the purposed display,
  - vi. the exact location planned for the fireworks display including a diagram of the grounds on which it will be held, showing the point from where the fireworks will be discharged, the location of the highway, railroad, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained,
  - vii. written consent from the owner of the property on which the fireworks display will be held,
  - viii. written consent from the property owners in the immediate vicinity where the display will be held,
  - ix. the manner and place of storage of all fireworks prior to, during and after the display,
  - x. the name and address of the vendor or vendors that supplied the fireworks used in the fireworks display,
  - xi. proof of General Liability insurance with coverage of at least \$5,000,000 per occurrence in a form acceptable to the Fire Chief, and
  - xii. any other information requested by the Fire Chief.

- 8.6 A Fireworks Permit to sell, offer for sale, store for the purpose of sale of fireworks, including consumer fireworks and display fireworks, shall be obtained from the Fire Chief. The fee for this permit shall be One Hundred (\$100.00) Dollars.

### **Part 9 – General Prohibitions**

- 9.1 No person shall light a fire, or discharge fireworks without a Fire Permit or Fireworks Permit as required under this Bylaw.
- 9.2 A person shall produce proof of a Fire Permit or Fireworks Permit upon request of a member.
- 9.3 No person shall contravene the conditions of a Fire Permit or Fireworks Permit issued pursuant to this Bylaw.
- 9.4 No person shall sell consumer fireworks to any person under the age of 18 years.
- 9.5 When a fire is lit without a valid Fire Permit as required, the owner or occupant of the property or the person having control of the property shall:
- i. extinguish the fire immediately; or
  - ii. if unable to extinguish the fire immediately, report the fire to the Fire Department.
- 9.6 No person shall light a fire, directly or indirectly, without taking precautions to ensure that:
- i. the fire does not become a running fire,
  - ii. the fire is in the care and control of a competent person,
  - iii. there is adequate equipment to extinguish and/or contain the fire.
- 9.7 No person shall light a fire contrary to a fire ban or fire restriction.
- 9.8 No person shall burn or allow the burning of prohibited debris.
- 9.9 No person shall disclose false information when applying for a Fire Permit or Fireworks Permit.
- 9.10 No person shall allow any fire to give off dense smoke that in the opinion of a member may affect the health or safety of any person.
- 9.11 Failure to immediately extinguish a fire when directed by a member is an offence.
- 9.12 Any person who lights a fire or discharges fireworks is responsible to ensure that it is conducted in a safe manner.
- 9.13 No person shall drive a vehicle over a fire hose unless that person has been so directed by a member on scene.

- 9.14 No person shall obstruct or interfere with a member carrying out their duties pursuant to this Bylaw, or damage, tamper or interfere with any apparatus or equipment.
- 9.15 No person shall falsely represent themselves as an active member of the WFD.
- 9.16 No person shall park in any area designated for a member or Fire Department parking.
- 9.17 An owner or occupant shall report to the WFD:
- i. damage to property caused by fire,
  - ii. any accidental or unplanned release of Dangerous Goods, as defined in the *Dangerous Goods Transportation and Handling Act*.
- 9.18 Upon receiving notice of the suspension or cancellation of a permit, all persons shall immediately extinguish any fire set, or cease any activity as described in said permit.

### **Part 10 – Permitted Burning**

- 10.1 A Fire Permit shall not be required under this Bylaw to conduct:
- i. burning in fireplaces in or attached to dwellings as provided by the applicable legislation,
  - ii. burning in campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Town of Wembley,
  - iii. burning in a small incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation,
  - iv. burning of a smudge fire confined within a non-combustible receptacle that is set on land of 0.5 hectares or more, for the purpose of repelling insects or preventing frost in an orchard or garden,
  - v. burning by the WFD for the purpose of training its members, reducing fire hazard through controlled burning or by the Town for the purpose of thawing ground.

### **Part 11 – Fire Ban Orders**

- 11.1 When deemed necessary, the Fire Chief may make a recommendation to the CAO, who may issue a Fire Ban Order, which may:
- i. suspend or cancel all Fire Permits or Fireworks Permits,
  - ii. prohibit or ban the setting or require the extinguishing of any fire,
  - iii. prohibit the starting or maintaining of any oilfield open pit flaring fire or attach precautionary requirements and conditions to such flaring fires,
  - iv. prohibit the operation of off highway vehicles.

Anyone contravening a Fire Ban Order issued pursuant to this Section is guilty of an offence.



- 11.2 A Fire Ban Order made pursuant to this Section shall be broadcast by radio or other electronic media outlets, which, in the opinion of the CAO or the Fire Chief, are likely to bring the matter to the attention of the public. A Fire Ban Order may also be published in print media where the CAO or the Fire Chief deems it appropriate.
- 11.3 The owner of the property is responsible for all costs incurred in extinguishing or fighting a fire on the property during a Fire Ban.

## **Part 12 – Penalties and Offences**

- 12.1 Any person who fails to comply with any provisions contained in this Bylaw is guilty of an offence and is liable, on a conviction, to a fine of not less than Two Hundred Fifty Dollars (\$250.00) or such other amount as may be specified in this Bylaw and not greater than Ten Thousand Dollars (\$10,000.00).
- 12.2 The offences under this Bylaw, in respect of which a voluntary specified penalty may be paid, are set out in Schedule “B”. The specific amount of the penalty payable is set out in the column heading “Specified Penalties”.
- 12.3 A Peace Officer may issue a Violation Ticket for any contravention of this Bylaw.
- 12.4 A Violation Ticket is deemed sufficiently served if the processes under the *Provincial Offences Procedure Act* have been followed.

## **Part 13 - Enforcement**

- 13.1 A member is hereby authorized to enforce any provision of this Bylaw, and in the event of an emergency, may enter onto premises or property, and may make such inquiries or demands as may be necessary for those purposes.

## **Part 14 – Indemnity**

- 14.1 A member acting in good faith and without malice in the discharge of his duties under this Bylaw, shall not render himself liable personally and is hereby relieved from all personal liability for any damage that may occur to persons or property because of any act required or by reason of any act or omission in the discharge of those duties. The Town shall defend any suit, action, or claim commenced against a member acting in good faith.

## **Part 15 – Fees and Costs**

- 15.1 Council may, from time to time, set a fee for any service provided by WFD. A copy of the fees set by Council shall be included as Schedule “C”.
- 15.2 The Fire Chief may establish fees based on a cost recovery basis for all consumable materials used by the WFD.
- 15.3 Fees shall be subject to interest rates as may be established by the Town, from time to time, respecting outstanding accounts.

- 15.4 Outstanding fees shall become a debt due and owing the Town.
- 15.5 Where a person causes a fire to which WFD or the Town responds, that person is responsible for all direct and indirect costs incurred by the Town in extinguishing that fire. The owner of a parcel of land shall be liable for expenses and costs related to the Town extinguishing fires on the parcel of land.
- 15.6 Where a person:
- i. fails to obtain a permit as required under this Bylaw prior to setting or causing a person to set a fire; or
  - ii. obtains a permit as provided for in this Bylaw but fails to follow the provisions of the Bylaw and those conditions outlined on the permit; or
  - iii. fails to extinguish an open fire when required to do so upon the demand of the Fire Chief or his designate or a Peace Officer; and
  - iv. WFD extinguishes the fire, or the fire grows beyond the control of the person and an incident or emergency to which a WFD response occurs,
- then such person shall be liable to pay all direct and indirect costs incurred by the Town in extinguishing the fire.
- 15.7 The cost for Fire Department services rendered shall be determined by the Fire Chief or the CAO. In the event that the owner or the occupant shall feel aggrieved by any action taken by the Fire Chief or CAO pursuant to Part 16, he or she shall have a period of thirty (30) days, from the date of mailing of the notice, to appeal to Council. The decision of Council on any such appeal shall be final and binding upon the Owner or Occupant of the property.
- 15.8 In respect of any costs or fees levied or charged under this Bylaw:
- i. the Town of Wembley may recover such costs or fees as an amount due and owing to the Town of Wembley pursuant to the *Municipal Government Act*; and
  - ii. in default of payment, where permitted by the *Municipal Government Act*, add the amounts due to the tax roll of the parcel of land in question.

## **Part 16 – Exercise of Discretion**

- 16.1 The Town has the discretion to enforce this Bylaw and is not liable for any outcomes should the Town or a member not decide to enforce this Bylaw if acting in good faith.

## **Part 17 - Severability**

- 17.1 Should any provision of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from this Bylaw and the remainder shall remain in force and be binding as though such provision had not been included.

## **Part 18 – Rescinding of Previous Bylaws**

18.1 Bylaw Number 688 in this regard is hereby rescinded.

**READ** a first time this 23 day of August, 2021

**READ** a second time this 23 day of August, 2021

**READ** a third time and finally passed this 23 day of August, 2021

(SIGNED)  
Mayor Chris Turnmire

(SIGNED)  
CAO Noreen Zhang

### **ATTACHMENTS:**

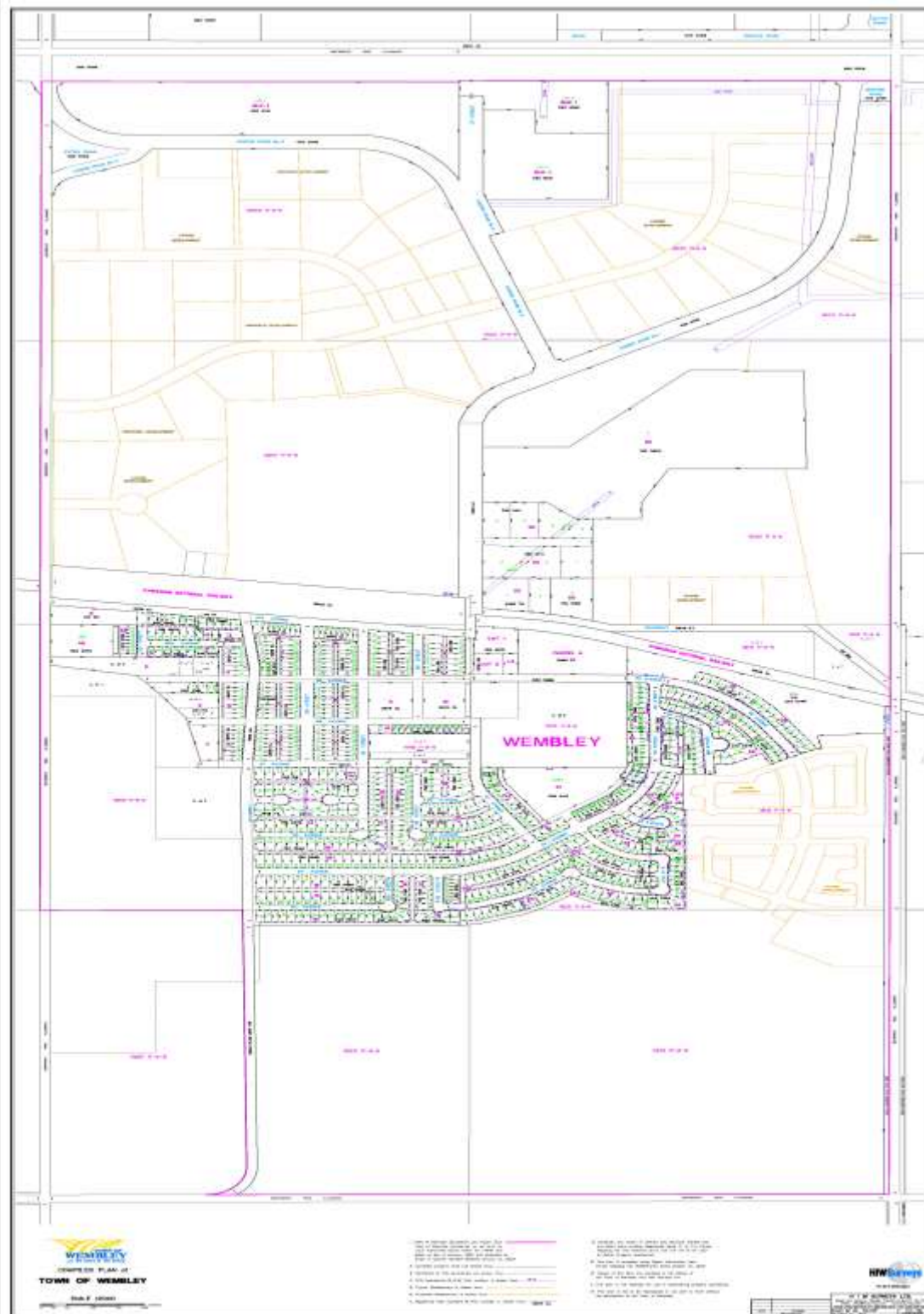
**Schedule “A” - Town of Wembley Map**

**Schedule “B” - Specified Penalties**

**Schedule “C” - Fee schedule**

# SCHEDULE "A"

## Town of Wembley Map



## SCHEDULE A-1

### Fire Permit

Permit # \_\_\_\_\_

Issued under the authority of the Town of Wembley Open Burning Bylaw No. 735

#### REGULATIONS

1. It is the responsibility of the applicant to:
  - a. Be familiar and abide by the requirement of this Permit and Bylaw.
  - b. Obtain permission, if necessary, to burn on any land.
  - c. Telephone 780-766-3170 to commence burning.
2. Permit period is limited to one day (daylight hours only) or a reasonable time period as determined by the permit issuer.
3. This Permit may be cancelled at any time by a member of the Wembley Fire Department.

This Permit authorizes the Owner/Lessee/Occupant (Please circle one):

Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

To kindle a fire at the following location: \_\_\_\_\_

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

For the purpose of burning: \_\_\_\_\_

#### BURING SHALL BE CARRIED OUT IN COMPLIANCE WITH THE FOLLOWING CONDITIONS

1. Materials burned must only be burnable debris in accordance with the Clean Air Act Alberta Regulation 216/75 with amendments (see definition on reverse of page).
2. Wind conditions shall be less than 12 km/hr.
3. At least one (1) responsible adult must be in attendance.
4. Consideration must be given to avoid obscuring visibility on adjacent roads.
5. Provisions are made for adequate extinguishment equipment on site.
6. The nuisance to neighboring properties must be considered.
7. Special Conditions: \_\_\_\_\_

Effective Date: \_\_\_\_\_, 20\_\_\_\_. Expiration Date: \_\_\_\_\_, 20\_\_\_\_.

1. The Permittee agrees to indemnify and save harmless the Town of Wembley for all liability arising out of the operations authorized by this Fire Permit.
2. The Permittee agrees to pay the cost of fighting all fires caused by willful or negligent violation of any condition and/or regulation set out in this Fire Permit.
3. I have read and fully understand the information on this Fire Permit.

SIGNATURE OF PERMITTEE: \_\_\_\_\_ DATE: \_\_\_\_\_

APPROVED BY FIRE CHIEF/DESIGNATE: \_\_\_\_\_ DATE: \_\_\_\_\_

## **SCHEDULE “B”**

### **Specified Penalties**

<b>Section</b>	<b>Charge</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Third Offence</b>
10.1	Light a fire/discharge fireworks without a permit.	\$ 250	\$ 750	COURT
10.2	Fail to produce fire/fireworks permit upon request.	\$ 250	\$ 500	COURT
10.3	Contravene condition of a fire/fireworks permit.	\$ 250	\$ 500	COURT
10.4	Sell consumer fireworks to a minor.	\$500	\$1000	COURT
10.5 (i)	Fail to extinguish fire immediately.	\$ 500	\$ 1,000	COURT
10.5(ii)	Fail to report fire to the Fire Department.	\$ 500	\$ 1,000	COURT
10.6(i)	Allow fire to become running fire.	\$ 500	\$ 1,000	COURT
10.6(ii)	Fail to have competent person in control of fire.	\$ 500	\$ 1,000	COURT
10.6(iii)	Fail to ensure adequate equipment is on-site of a fire.	\$ 500	\$ 1,000	COURT
10.7	Light a fire contrary to a fire ban order.	\$ 500	\$ 5,000	COURT
10.8	Burn prohibited debris.	\$ 500	\$ 2,500	COURT
10.9	Disclose false information when applying for a fire/fireworks permit.	\$ 500	\$ 1,000	COURT
10.10	Allow any fire to give off dense smoke effecting safety.	\$ 500	\$ 1,000	COURT
10.11	Fail to extinguish fire immediately when directed by a member.	\$ 500	\$ 1,000	COURT
10.12	Fail to light fire/discharge fireworks in a safe manner.	\$ 500	\$ 1,000	COURT
10.13	Drive a vehicle over a fire hose.	\$ 500	\$ 1,000	COURT
10.14	Obstruct member from carrying out their duties.	\$1,000	\$2,500	COURT
10.15	Falsely represent as a member.	\$ 500	\$ 1,000	COURT
10.16	Unauthorized parking in area designated for a member.	\$ 250	\$ 500	COURT

10.17(i)	Fail to report damage to property caused by fire.	\$500	\$1,000	COURT
10.17(ii)	Fail to report accidental or unplanned release of dangerous goods.	\$600	\$1,200	COURT
10.18	Fail to extinguish fire/cease activity upon notification of suspended permit.	\$500	\$1,000	COURT
12.1(ii)	Fail to extinguish fire when fire ban order is in place.	\$1,000	\$2,500	COURT
12.1(iii)	Fail to extinguish oilfield open pit flaring fire when fire ban order is in place.	\$1,000	\$2,500	COURT
12.1(iv)	Operate OHV when fire ban order prohibits.	\$250	\$500	COURT

## SCHEDULE “C”

Part 1	
Fire Inspection and Investigation Services	Fee
a) All fire inspection or investigation services including but not limited to; inspection, certification, examination, approval, calculation, reporting, review, requests, or measures of compliancy are subject to an hourly charge per member per hour plus expenses.	Cost Recovery (Contractor)
b) Knox® Fire Department Key Box	Cost + 15%
c) Mileage	\$2.25/km
d) Security for site of investigations and inspections as determined by the Fire Service.	Cost +15%
<i>*Non-Profit food outlets and/or those food outlets operating as registered not for profit festivals or events will be exempt from the Special Event Food Outlet Inspection fee.</i>	

Part 2	
Permits	Fee
1. Recreational Burning Permit (back yard fire pit) per year.	No Charge
2. Open Burning Permit, per event.	No Charge
3. Permits related to fireworks and pyrotechnic devices:	
a) Vendor Permit for sale of fireworks and pyrotechnic devices: per location, per year.	\$100.00
b) Permit for display of high hazard fireworks: per permit, per event.	\$100.00
c) Permit for the display of low hazard fireworks, per event.	No Charge
<i>*Non-Profit entities and/or displays operating at a registered not for profit festivals or events will be exempt from the Permit for the use of pyrotechnic devices fee.</i>	



Part 3	
Fire Rescue Fees	Fee
1. Fire Rescue Response to False Alarms:	No Charge
a) For the first response related to malfunctioning fire safety installations or other safety monitoring devices, at the same premises, responded to during each calendar year.	
b) Second (2nd) response to a false alarm.	\$350.00
c) Third (3rd) and each subsequent response to a false alarm during a twelve (12) month period will result in a fee for each apparatus and member required.	Per Resource
2. Engines, Tenders, Rescue, Ladder, Boat: per apparatus, per hour or portion thereof.	\$500.00
3. Utility Vehicles, Squad, Brush truck, Trailers, SPU, Fire Prevention Vehicles, Mobile Command Post, 4 x 4 mobile pumps, Quads, Skidoos and any other unspecified apparatus: per apparatus, per hour or portion thereof.	\$350.00
4. Dangerous Goods Apparatus:	\$1200.00
a) per Apparatus, for the first sixty minutes or portion thereof, plus expenses, and a 15% handling charge for all materials and supplies.	
b) per Apparatus, for each subsequent sixty minutes or portion thereof, plus expenses, and a 15% handling charge for all materials and supplies	\$700.00
5. Costs related to operational staffing: per Member, per hour or portion thereof.	\$125.00

Part 4	
Administration	Fee
1. Request for the administrative service of a member (including witness interviews)	\$160.00
a) per member, per hour or portion thereof plus expenses (2-hour minimum charge);	
b) Plus: thereafter, per member, per sixty minutes or portion thereof;	\$90.00
c) Plus: actual expenses incurred.	
2. Reports ( <i>Via Subpoena Only per FOIPP Legislation</i> )	
a) Requested copies of WFD Run Reports, Dangerous Goods Reports, Fire Investigation Reports, or Patient Care Reports, related to a specific incident, including letters of summary and all services associated with providing the requested information:	
i) Per report, up to two hours research and preparation;	\$160.00
ii) Plus: thereafter, per sixty minutes or portion thereof;	\$90.00
iii) Fire Investigation Reports.	\$500.00
b) Duplication of photographs:	
i) Hardcopy Photograph	\$40.00
a. Up to five (5) photographs	\$10.00
b. Each additional photograph	
ii) Digital Photograph	
a. Up to 20 digital photographs	\$55.00
b. Each additional photograph	\$5.00
3. Environmental Enquiries per location	\$75.00

## **APPENDIX "A"**

Permit # \_\_\_\_\_  
Permit fee: \$25.00

OFFICE USE ONLY	
ISSUED <input type="checkbox"/>	DELETED <input type="checkbox"/>

### **FIREWORKS DISCHARGE / SET OFF / DISPLAY PERMIT ALBERTA FIRE CODE SECTION 5.7**

APPLICANT NAME	PERMIT #
ADDRESS	PHONE #
DATE OF BIRTH	
ADDRESS WHERE FIREWORKS ARE STORED	

**THE APPLICANT IS HEREBY AUTHORIZED TO HANDLE, DISCHARGE, FIRE, SET OFF, OR DISPLAY**

**LOW HAZARD FIREWORKS ON:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year (Time)

**AT:** \_\_\_\_\_  
(LOCATION WHERE FIREWORKS WILL BE DISPLAYED)

**THIS PERMIT IS SUBJECT TO CANCELLATION FOR ANY BREACH OF THE ALBERTA FIRE CODE SECTION 5.7 OR ANY OF THE FOLLOWING SPECIAL PRECAUTIONS REQUIRED AS A CONDITION OF THIS PERMIT, SPECIAL CONDITIONS AND PRECAUTIONS: REQUIREMENTS:**

- **MUST HAVE AVAILABLE WATER SOURCE ON SITE.**
- **THIS PERMIT IS SUBJECT TO CANCELLATION BASED ON LOCAL FIRE HAZARDS/FIRE BANS.**

**A DIAGRAM OF THE DISCHARGE / SET OFF / DISPLAY SITE IS TO BE COMPLETED WITH APPLICATION.**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE ISSUED**

\_\_\_\_\_  
**FIRE CHIEF OR DESIGNATE  
WEMBLEY FIRE DEPARTMENT**

## LOW HAZARD FIREWORKS REGULATIONS

Code requirements came into force effective September 2, 2007. All code requirements are referenced from the Alberta Fire Code 2006 edition.

### Section 5.7. Fireworks

#### 5.7.1.8. Fireworks Sales

- 1) No person shall sell, offer for sale or store for the purpose of sale, Fireworks, unless
  - (a) permission is obtained from the Fire Department for the sale and storage, and
  - (b) the building or place used for the sale or storage conforms to Part 2.
- 2) A person who sells Fireworks or offers them for sale shall ensure that:
  - (a) the manufacturer's instructions on the safe use of Fireworks are provided with each sale.
  - (b) notices acceptable to the Fire Department are posted at the sales outlet outlining the instructions referred to in Clause (a).
  - (c) a record of each sale is kept on the premises where the sale occurs for a period of not less than two years following the date of the sale, and
  - (d) a record referred to in Clause (c) shows
    - i. the date of the sale,
    - ii. the name, address and phone number of the purchaser,
    - iii. a description of the Fireworks sold,
    - iv. the date and time the Fireworks will be discharged, and
    - v. the location and a description of the site where the Fireworks will be discharged.
- 3) A person who sells Fireworks or offers them for sale shall make available the record referred to in Clause (3) (c) in conformance with Article 2.2.1.2. of Division C.

### LOW HAZARD FIREWORKS VENDOR PERMIT CONDITIONS

1. The Town requires a full site inspection, at the expense of the Business, by an approved Safety Codes Officer in the Fire and Building Discipline, for compliance to building and storage requirements as outlined in Section 5.7 of the *Alberta Fire Code*.
2. Low Hazard Fireworks Vendor Permit holders are subject to random inspections / audits, at which time all Sale & Discharge Permit information must be readily made available.
3. The Low Hazard Fireworks Vendor Permit must be renewed on an annual basis, coinciding with the calendar year.
4. Low Hazard Fireworks Vendor Permits may be suspended during times of Fire Advisories or Fire Bans. Sales ARE NOT permitted under these conditions.

The Town Low Hazard Fireworks Vendor Permit may be cancelled at any time if the vendor is found to be in contravention of any of the requirements set out in the *Alberta Fire Code* and the Town of Wembley Medical and Fire Response Bylaw

All information collected must be used and stored in accordance with Regulations set out in the *Personal Information Protection Act*.

### VENDOR SELF CHECKLIST

1. Do you have / allow smoking, open flame devices or spark producing equipment in any place, site, or building used for the sale, storage or retail display of Fireworks? Yes\_\_ No\_\_
2. Do you have a sign reading "FIREWORKS-NO SMOKING or OPEN FLAME" in letters at least 100 mm high posted in locations acceptable to the Fire Services Department? Yes\_\_ No\_\_
3. Are your Fireworks stored in lots that do not exceed 25 kg gross weight? Yes\_\_ No\_\_
4. If you have quantities of LOW HAZARD Fireworks that exceed 25 kg gross weight, are they stored in a container meeting the requirements of the Explosives Act (Canada) and its Regulations published by Natural Resources Canada? Yes\_\_ No\_\_
5. If you have quantities of LOW HAZARD Fireworks that exceed 100 kg gross weight, are they stored in a separate store or warehouse meeting the requirements of the Explosives Act (Canada) and its Regulations published by Natural Resources Canada? Yes\_\_ No\_\_
6. Do you have a portable fire extinguisher in buildings / areas where Fireworks are stored? Yes\_\_ No\_\_
7. Have you complied with all conditions set out by the Town of Wembley to obtain a LOW HAZARD Fireworks Vendor Permit? Yes\_\_ No\_\_
8. Are employees that will be selling / handling Fireworks at your store 18 years of age or older? Yes\_\_ No\_\_
9. Does your Business have the ability to store the personal information collected on the Fireworks and Discharge Permit safely and securely in accordance with Regulations set out in the Personal Information Protection Act? Yes\_\_ No\_\_

If you have answered "NO" to any item, please contact the Fire Services Department prior to submitting your application. A "NO" will be in contravention of Provincial or Federal Codes and Regulations and may disqualify and / or delay your application.

**APPENDIX "B"**

**VENDOR LOW HAZARD FIREWORKS PERMIT**

**PERMIT TO SELL, STORE, DISTRIBUTE OR GIVE AWAY  
LOW HAZARD FIREWORKS**

**Permit Number:** \_\_\_\_\_

**Permit Fee: \$100.00**

**ISSUED TO:**

**Business Name:** \_\_\_\_\_

**Operating Name (If different from above):** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Contact Phone Numbers:** \_\_\_\_\_

**Application Date:** \_\_\_\_\_

**Applicant / Owner Signature:** \_\_\_\_\_

**ANY PART / BUSINESS THAT INTENDS TO GIVE AWAY, SELL, STORE, OR DISTRIBUTE  
LOW HAZARD FIREWORKS MUST CONFORM TO  
SECTION 5.7 OF THE ALBERTA FIRE CODE 2006**

**Town of Wembley Office Use ONLY**

**Approval Date:** \_\_\_\_\_

**Town Low Hazard Fireworks Vendor Number:** \_\_\_\_\_

**Wembley Fire Department Representative:** \_\_\_\_\_  
*(Please Print)*

**Representative Signature:** \_\_\_\_\_

**APPENDIX "C"**

**HIGH HAZARED (DISPLAY) FIREWORKS PERMIT**

**PERMIT TO DISCHARGE HIGH HAZARD FIREWORKS (CLASS 7.2)**

Permit Number: \_\_\_\_\_

Permit Fee: \$100.00

**ISSUED TO:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: (Bus.) \_\_\_\_\_ (Res.) \_\_\_\_\_

**DISPLAY INFORMATION (Required)**

Location of Display: \_\_\_\_\_

Display Date: \_\_\_\_\_ Time: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Fireworks Supervisor: \_\_\_\_\_

Certificate#: \_\_\_\_\_ Property Owner: \_\_\_\_\_

Property Owner Contact Phone #: \_\_\_\_\_

Signature of Property Owner: \_\_\_\_\_  
*(Not valid without property owner signature)*

Name of Permit Holder: \_\_\_\_\_  
*(Please Print)*

Permit Holder Signature: \_\_\_\_\_

☐ Detailed Site Plan Attached  
☐ Site Security/Emergency Plan Attached  
☐ Insurance Certificate Attached

☐ Written Permission from: Landowner/  
Adjacent Landowners  
☐ Detailed Description of Fireworks Being  
Displayed at Event

**SPECIAL CONDITIONS**

This permit is subject to the conditions on the reverse and to cancellation if any breach of the  
Requirements of Section 5.7 of the Alberta Fire Code 2006

Additional Precautions: \_\_\_\_\_

Wembley Fire Department Representative: \_\_\_\_\_  
*(Please Print)*

Representative Signature: \_\_\_\_\_

**TOWN OF WEMBLEY  
HIGH HAZARD (DISPLAY) FIREWORKS PERMIT**

**CONDITIONS:**

**Excerpts from the Alberta Fire Code 2006**

**Section 5.7 Fireworks**

A-5.7.1. Municipalities have the authority to regulate fireworks within their jurisdiction under the Municipal Government Act. Municipalities can use the Municipal Government Act to establish a fireworks permit bylaw allowing the municipality to permit fireworks. A fireworks permit bylaw established by a municipality may have provision that include or exclude any activity involving fireworks.

**5.7.1.1 Application**

- 1) Except as permitted by Sentence (2), this Section shall apply to the sale and discharge of fireworks and pyrotechnic devices.
- 2) This Section shall not apply to a person who possesses or discharges fireworks commonly used as distress flares.

**5.7.1.2. Manufacture, Importation, and Transportation**

- 1) The manufacture and importation of fireworks shall be in conformance with the “Explosives Act” and its Regulations, published by Natural Resources Canada.
- 2) The transportation of fireworks shall be in conformance with the “Transportation of Dangerous Goods Act” and its Regulations.

**5.7.1.3. Discharge**

- 1) Except as permitted in Clause 5.7.1.7.(1)(b), no person shall discharge, fire or set off fireworks from, on, or over
  - a) public land as defined by the Public Lands Act, or
  - b) a forest protection area designated under the Forest and Prairie Protection Act.

**5.7.1.7. Written Permission**

A-5.7.1.7. Due to the fact that fireworks can be purchased in one municipality and discharged in another, individuals must ensure that written permission is obtained from all of the appropriate authorities if this is the case.

- 1) No person shall
  - a) Purchase, possess, handle, discharge, fire or set off fireworks unless written permission issued by the fire department for that purpose has been obtained, or
  - b) Discharge, fire off, set off fireworks in a forest protection area unless written permission issued by a forest officer for that purpose has been obtained.
- 2) Written permission issued under Sentence (1)
  - a) Shall specify the date, time and location on which the fireworks are to be discharged, and considers necessary to ensure the safe use of the fireworks.
- 3) Permission shall not be granted under this Section in respect to High-Hazard fireworks unless the applicant possesses a fireworks supervisor card issued pursuant to the “Explosives Act” and its Regulations, published by Natural Resources Canada.

**5.7.1.9. Age Requirement**

- 1) No person who is under 18 years of age shall purchase, possess, handle, discharge, fire or set off fireworks.

**5.7.1.10. Discharging**

- 1) Fireworks from which a projectile is discharged shall be set up in such a manner so that when ignited the projectile will go into the air in a vertical direction not more than 15° off the perpendicular.
- 2) Where ground level fireworks are discharged
  - a) they shall be positioned out of the fringe or aerial fireworks and in a location where there is no dry grass or combustible material on the ground beneath them, and
  - b) the area shall be thoroughly wet down immediately before the fireworks are discharged.
- 3) A portable extinguisher having a rating of not less than 2-A shall be provided and kept in the immediate discharge area.

**5.7.1.11. High-Hazard Display**

- 1) Where high-hazard fireworks are discharged, the person responsible for discharging the fireworks shall ensure that
  - a) they have at least 2 assistants who are competent persons over 18 years of age and have been trained in the proper handling of fireworks,

- b) the fireworks are set up in conformance with the "Display Fireworks Manual", published by natural Resources Canada,
- c) at least 2 portable extinguishers each having a rating not less than 1-A shall be not more than 45 m from the location at which the fireworks are discharged,
- d) the potential landing area is cleared of spectators, vehicles, dry grass and other combustible material immediately prior to the beginning of the display and during the display,
- e) nothing other than a flashlight or electrical lighting is used for artificial illumination,
- f) no person, other than persons responsible for discharging the fireworks, is closer than 45 m from the location at which the fireworks are being discharged,
- g) the location at which the fireworks are discharged is at least
  - i) 60 m from any highway or other similar means of travel used by the public, and
  - ii) 15 m from the nearest overhead obstruction,
- h) a complete search is conducted of the display area for any duds within 12 hours of the conclusion of the display, and
  - i) any unused fireworks or duds remaining are disposed of in a safe manner within 12 hours of the conclusion of the display