

VILLAGE OF MANNVILLE
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 715-2001

Being a by-law of Village of Mannville hereafter referred to as the “Village of Mannville Fire By-law”, to provide for the establishment and operation of a fire department, the prevention of fires and the preservation, protection of life and property from destruction by fire and construction and use of recreation fire pits as per section 7 of the MG Act; RSA 1994.

WHEREAS Section 8 of the Municipal Government Act, R.S.A. 1994, provides that the Council may pass by-laws to regulate or prohibit, provide for a system of licenses, permits, approvals or appeals.

NOW THEREFORE, the Council of the Village of Mannville, in the Province of Alberta, duly assembled, does hereby authorize the establishment of a municipal fire department and the carrying out of its operations in the following manner:

1. In this by-law words and phrases shall be construed as specified hereunder:

“Apparatus” – means any vehicle provide with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.

“Council” – means the Council of the Village of Mannville.

“Equipment” – means tools, contrivances, devices or materials used by the Fire Department to combat and incident or other emergency.

“Fire Chief” – means the member appointed as head of the Fire Department.

“Fire Protection” – means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.

“Incident” – means a fire, 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.

“Member” means any person that is a duly appointed member of the Fire Department.

2. The Fire Chief shall be appointed by Council and may be replaced by means of a Resolution in Council at a meeting at which a quorum is present.
3. Other officers and members as the Fire Chief deems necessary may be appointed to the Fire Department with the approval of the Council.
4. The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
5. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department will extend to the area and boundaries of the Village of Mannville, and no part of the fire apparatus shall be used beyond the limits of the municipality without the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the municipal boundaries.

VILLAGE OF MANNVILLE
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 715-2001

6. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control the Council to which he shall be responsible, and in particular he shall be required to carry out all fire protection activities and such other activities such as Council directs including by not limited to:
 - (a) rescue
 - (b) emergency medical services
 - (c) other incidents
 - (d) pre-fire planning
 - (e) disaster planning
 - (f) preventive patrols
 - (g) inspection and approval of recreation fire pits
7. The Council may by resolution adopt regulations governing the fire department's procedures and fire protection activities.
8. The Fire Chief, subject to the ratification by the Council, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including:
 - (a) use, care and protection of fire department property,
 - (b) the conduct and discipline of officers and members of the Fire Department, and
 - (c) efficient operations of the Fire Department.
9. The Fire Chief, or in his absence, the senior member present, shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident and, where a member is in charge, he shall continue to act until relieved by an office authorized to do so.
10. The Fire Chief shall take responsibility for all fire protection matters including the enforcement of this by-law and regulations thereunder.
11. Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Council, and the Fire Chief shall report to the Council on the operations of the Fire Department or any other matter designated by Council.
12. The Fire Chief, or any other member in charge, at a fire is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
13. 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 deems necessary, in order to combat, control or deal with the incident.
14. The Fire Chief, or the member in charge, at an incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized by him.

VILLAGE OF MANNVILLE
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 715-2001

15. No person shall enter the boundaries or limits of an area prescribed in accordance with Section 13 unless he has been authorized to enter by the Fire Chief or the member in charge.
16. The Fire Chief, or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 13.
17. 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 building or property, where he deems it necessary in order to gain access to the incident or to protect any persons or property.
18. The Fire Chief may obtain assistance from other officials of the municipality, as he deems necessary in order to discharge his duties and responsibilities under this by-law.
19. No person at an incident shall impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the member in charge.
20. No person shall damage or destroy Fire Department apparatus or equipment.
21. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or member in charge.
22. No person shall obstruct a member from carrying out duties imposed by this by-law.
23. No person shall falsely represent themselves as a Fire Department member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
24. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for fire fighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.
25. The Fire Chief or the 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 in demolishing a building or structure at or near the fire or other incident.

VILLAGE OF MANNVILLE
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 715-2001

26. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment, which her considers necessary to deal with an incident.
27. Every person who violated any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act or thing or omits any act or thing thus violating any of the provisions of this by-law, shall be deemed to be guilty of an infraction of this by-law, and upon summary conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$2500., or to both fine and imprisonment.
28. The Fire Chief or a member of the Fire Department charged with the enforcement of this by-law, acting in good faith and without malice for the municipality in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to person or property as a result of any act required or by reason of any act or omission in the discharge of his duties.
29. Any suit brought against the Fire Chief or member of the Fire Department, because of an act or omission performed by him in the enforcement of any provision of this by-law, shall be defended by the Village of Mannville until final determination of the proceedings.
30. Fire Pits will be permitted within the Village of Mannville under the following conditions:
- A) Construction:
1. located in backyard only (side yards are not permitted);
 2. fire pit will be located no less than 3.0 m from property line;
 3. fire pit will be located no less than 3.0 m from any structure (fence, deck, garage, shed or dwelling);
 4. fire pit acceptable design:
 - i) 1.2 maximum pit opening;
 - ii) .60 minimum pit opening;
 - iii) 1 m minimum pad surrounding pit constructed from non-combustible material (patio block or poured concrete preferred);
 - iv) fire pit walls shall be a minimum of 10 centimeters thick x 40 cm deep with a minimum of 15 cm. Of the wall height above ground;
 - v) fire pit walls must be lined with a fire brick liner with a high temperature cement mortar (a 5mm. Steel liner by may be used in lieu of fire brick);
 - vi) a minimum of 10 cm. of non-combustible fill must be provided in the bottom of the pit;
 - vii) a fire retention screen capable of covering the pit but protruding beyond the perimeter of the pit must be provided;

VILLAGE OF MANNVILLE
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 715-2001

- viii) a lid of non-combustible material capable of covering pit must be provided and placed on pit when left unattended.
- ix) Fire Pits may be constructed of metal or metal & screen, providing screen is small enough not to permit large sparks or embers to escape, and that pits cannot be moved easily.

B) Permitted uses:

1. Cooking of food for human consumption;
2. for warmth;
3. Fire is attended by a person competent to supervise it at all times;
4. Only clean and dry materials to be burned;

C) Prohibitions: The following materials may not be burned in the fire pit;

1. Household refuse, garbage, leaves, straw, and/or painted wood;
2. Construction materials or pressure treated lumber;
3. Materials made of or containing rubber, plastic, or similar material that will have the potential to create a nuisance;
4. No Fire Pit shall be left unattended.

Any fires generating an exorbitant quantity of smoke may be subject to extinguishments. Failure to adhere to these guidelines may result in the imposition of a fine or penalty.

D) An application for construction of a fire pit shall be made to the Fire Department, in writing in the form required by the Fire Department and shall be accompanied by:

1. A Site plan showing the legal description of the property, the front, rear and side yards;
2. Any provision for vehicle parking, access and egress points to the site as well as fence locations, residential building locations, and accessory building locations, together with the location of the proposed fire pit and applicable distances;

VILLAGE OF MANNVILLE
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 715-2001

3. Each application for construction of a fire pit shall be accompanied by a \$30.00 fee as established by Council as established for inspection services with minimum charge being applied;

E) In making the decision the Mannville Fire Department may approve the application, unconditionally approve the application subject to those conditions considered appropriate, approve the application permanently or for a limited period of time, or refuse the application.

F) If a rental property the owner of the property must make application or give written consent to renter.

31. Where any Peace Officer believes that any person has committed a breach of any of the provisions of this By-law as set out in Schedule "A" hereto he/she may serve upon such person a notice;

Service of any such notice shall be sufficient if it is:

C) Upon production of any such notice within fourteen (14) days from the date of service of such notice together with the payment of the sum specified in Schedule "A" hereto to the Village of Mannville, an official receipt of such payment shall be issued and subject to the provisions of Section 31 (e) and 31 (4) below, such payment shall be accepted in lieu of prosecution.

D) If the person upon whom any such notice is served fails to pay the said sum within the time allotted, the provisions of Section 31(3) shall no longer apply.

E) Nothing in this by-law shall:

Prevent any person from exercising his right to defend any charge of committing a breach of any section of this By-law;

Prevent any person from laying information or complaint against any other person (whether such other person has made a payment under the provisions of Section 31 (3)(c) or not for committing a breach of any section of this By-law as set out;

4. Where any person has made a payment pursuant to Section 31 (3) (c) and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded;

VILLAGE OF MANNVILLE
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 715-2001

5. It is the intention of Village Council that each separate provision of this By-law shall be deemed independent of all other provisions here and it is further the intention of Village Council that if any provisions of this By-law be declared invalid, all provisions thereof shall remain valid and enforceable;

READ a first time this _____ day of _____, 20_____

READ a second time this _____ day of _____, 20_____

READ a third time this _____ day of _____, 20_____

Mayor

Municipal Administrator