



CITY OF EDMONTON

BYLAW 15309

FIRE RESCUE SERVICES BYLAW

(CONSOLIDATED ON JANUARY 1, 2014)

THE CITY OF EDMONTON
BYLAW 15309
FIRE RESCUE SERVICES BYLAW

Whereas, pursuant to Section 7 of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) the enforcement of bylaws made under this or any other enactment, including any or all of the following:
 - (i) the creation of offences;
 - (ii) for each offence, imposing a fine not exceeding \$10 000 or imprisonment for not more than one year, or both;
 - (iii) providing for the imposition of a penalty for an offence that is in addition to a fine or imprisonment so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence;
 - (iv) providing that a specified penalty prescribed under section 44 of the *Provincial Offences Procedure Act* is reduced by a specified amount if the penalty is paid within a specified time;
 - (v) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
 - (vi) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
 - (vii) providing for inspections to determine if bylaws are being complied with;
 - (viii) remedying contraventions of bylaws.

And Whereas, pursuant to Section 66 of the *Safety Codes Act*, the City of Edmonton as an accredited municipality may make bylaws respecting fees for anything issued or material or service provided pursuant to the Act.

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- PURPOSE** 1 The purpose of this bylaw is to establish regulations for activities of persons in relation to fire rescue services provided by the City and to set fees and charges for such fire rescue services.
- DEFINITIONS** 2 In this bylaw, unless the context otherwise requires:
- (a) “Apparatus” means any fire rescue response vehicle, staffed and provided with equipment or materials for the purposes of fire fighting, rescue operations, medical response and the clean-up of Hazardous Material, as well as vehicles used to transport Members, supplies, or contracted personnel required for such fire fighting, rescue, medical response or clean-up;
 - (b) “Basic Motor Vehicle Incident” means a motor vehicle incident that does not involve one or more of the following:
 - (i) a Hazardous Material spill, leak or other release that requires a response by the HazMat Response Team;
 - (ii) a Hazardous Material spill, leak or other release for which a third party has provided labour, services, equipment or materials for the purpose of clean-up;
 - (c) “City” means the City of Edmonton;
 - (d) “City Manager” means the chief administrative officer of the City or his delegate;
 - (e) “emergency” includes a situation in which there is imminent danger to public safety or of serious harm to property;
 - (f) “false alarm” means:
 - (i) an alarm from a fire safety monitoring device that is not caused by heat, smoke or fire; or
 - (ii) a request for fire rescue services where no actual

danger or possible danger to safety, health and welfare of people, property or the environment exists.

- (g) “Fire Investigation” means the process of determining the cause, origin and circumstances of a fire or emergency pursuant to the Safety Codes Act.
- (h) “Fire Marshal” means the Member designated by the City to be in charge of fire prevention activities within the City of Edmonton;
- (i) “Hazardous Material” means any material or substance that may constitute an immediate or long term adverse effect to life, health, property or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment and shall include those products, substances and organisms that are covered by applicable Provincial and Federal legislation and guidelines;
- (j) “Incident” means any situation to which the City has responded due to the danger or a possible danger to the safety, health and welfare of people, property or the environment;
- (k) “Member” means any employee of the Fire Rescue Services branch of the City;
- (l) “municipal tag” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the City;
- (m) “owner” means:
 - (i) in the case of land the person registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or
 - (ii) in the case of a personal property the person in lawful possession or who has the right to exercise control over it or to be the registered owner of it;
- (n) “person” means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (o) “Response” means the arrival of Apparatus to the location of the Incident, and all actions taken with respect to the

Incident;

- (p) “Safety Codes Act” includes the regulations and bylaws made under the Act and any code, standards, or body of rules declared to be in force pursuant to the Act;
- (q) “Security Alarm” means an alarm system intended to detect an unauthorized entry to a premises or to alert people to the commission of an unlawful act, or both; and
- (r) “violation ticket” has the same meaning as in the *Provincial Offences Procedure Act*.

**RULES FOR
INTEPRETATION**

- 3 The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II - REGULATION OF ACTIVITIES

**INTERFERENCE
WITH DUTIES**

- 4 No person shall interfere with or in any manner hinder a person authorized by the City to investigate or extinguish fires while such authorized person is in the performance and execution of their duties.

**INTERFERENCE
WITH EQUIPMENT**

- 5 No person shall obstruct or interfere with the operation or use of any fire hydrant, emergency use water inlet or outlet connection on a building, fire alarm control panel, manual alarm station or any fire detection device or equipment.

FIRE HYDRANTS

- 6 No person shall open, cause or permit to be opened a fire hydrant to obtain or discharge water unless authorized to do so by the City.

FIRE HOSES

- 7 No person shall move a fire hose or cause or permit a vehicle to be driven over a fire hose at the scene of a fire unless authorized to do so by the officer in charge of the site.

**ASSISTANCE
ORDERS**

- 8 A person who receives an oral or written order from a person authorized by the City to extinguish fires requiring the person to provide labour, services, equipment or materials to assist in extinguishing a fire shall comply with the order.

FALSE ALARMS

- 9 No person shall make, cause or permit to be made a false alarm of a fire.

**UNAUTHORIZED
KEYS**

- 10 No person shall use or have in their possession or control any key for a vehicle used to respond to or extinguish fires, or for a fire

alarm or elevator control key box unless authorized by the City.

- IMPERSONATION**
- 11 (1) No person shall use or have in their possession or control identification, insignia, equipment or a uniform used in relation to the fire rescue services provided by the City unless permitted by the City Manager.
- (2) No person shall represent themselves as a firefighter or a person providing City fire rescue services unless permitted by the City Manager.

- REPORTS**
- 12 (1) The owner of any property damaged by fire shall report all particulars of the fire forthwith to the City.
- (2) The owner of any property on which a hazardous material is released shall report all particulars of the release forthwith to the City.
- (3) Any person releasing, causing or permitting the release of a hazardous material shall report all particulars of the release forthwith to the City.

PART III - ENFORCEMENT

- OFFENCE**
- 13 A person who contravenes this bylaw is guilty of an offence.

- CONTINUING OFFENCE**
- 14 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount no less than that established by this bylaw for each such day.

- VICARIOUS LIABILITY**
- 15 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

- CORPORATIONS AND PARTNERSHIPS**
- 16 (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

- (2) If a partner in a partnership is guilty of an offence under this

bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

- 17 (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
- (a) \$1,500.00 for any offence for which a fine is not otherwise established in this section;
 - (b) \$500.00 for any offence under Sections 6 and 12(1); and
 - (c) \$2,500.00 for any offence under sections 4, 5 and 7.

MUNICIPAL TAG

18 If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION

19 A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

VIOLATION TICKET

- 20 If a violation ticket is issued in respect of an offence, the violation ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

- 21 A person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
 - (b) if the violation ticket specifies the fine amount established by this bylaw for the offence;
- make a voluntary payment equal to the specified fine.

**ORDER TO
COMPLY**

- 22 (1) If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.
- (2) The order may:
- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
 - (b) direct a person to take any action or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;
 - (c) state a time within which the person must comply with the directions;
 - (d) state that if the person does not comply with the directions within a specified time, the City will take the action or measure.
- (3) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- (4) An order issued pursuant to this section may be served:
- (a) in the case of an individual:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - (iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;
 - (b) in the case of a corporation:
 - (i) by delivering personally to any director or officer of the corporation;
 - (ii) by delivering it personally to a person apparently in charge of an office of the corporation at an address

held out by the corporation to be its address; or

- (iii) by mail addressed to the registered office of the corporation.

PART IV - GENERAL

POWERS OF THE CITY MANAGER

23

Without restricting any other power, duty or function granted by this bylaw or any other legislation the City Manager may:

- (a) carry out inspections to determine compliance with this bylaw;
- (b) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms for the purposes of this bylaw;
- (e) issue permits with such terms and conditions as are deemed appropriate;
- (f) establish the criteria to be met for a permit pursuant to this bylaw;
- (g) waive any fees or charges owing pursuant to this Bylaw; and
- (h) delegate any powers, duties or functions under this bylaw to an employee of the City.

EMERGENCY POWERS OF THE CITY MANAGER

24

Without restricting any other power, duty or function granted by this bylaw or any other legislation the City Manager may, in an emergency, take whatever actions or measures are necessary to eliminate or mitigate the emergency including:

- (a) causing a building or structure to be demolished or removed;
- (b) entering a property or building with any required persons and equipment;
- (c) prohibiting the entry of unauthorized persons to any prescribed area or to within a certain distance of the location of any emergency;

- (d) requesting members of a police service to provide assistance in enforcing any of these powers;
 - (e) providing an oral or written order requiring a person to provide labour, services, equipment or materials to assist in eliminating or mitigating the emergency.
- INSPECTION FEES** 25 The City Manager may charge fees in accordance with Schedule A to any person requesting or requiring an inspection described in the Schedule.
- PERMIT FEES** 26 The City Manager may charge fees in accordance with Schedule B to any person requesting or requiring a permit described in the Schedule.
- FIRE RESCUE FEES** 27 The City Manager may charge fees in accordance with Schedule C to any person requesting or requiring a service described in the Schedule.
- ADMINISTRATION FEES** 28 The City Manager may charge fees in accordance with Schedule D to any person requesting or requiring a service described in the Schedule.
- OWNER LIABLE** 29 The owner of a parcel of land is liable for the expenses and costs related to the City extinguishing fires on the parcel.
- PERMITS** 30 (1) A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- (2) A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- (3) If any term or condition of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement or false or misleading information was provided to obtain the permit, the City Manager may immediately cancel the permit.
- PROOF OF PERMIT** 31 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.
- CERTIFIED COPY OF RECORD** 32 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the

appointment or signature of the person signing it.

**NUMBER AND
GENDER
REFERENCES**

33 All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

PART V - TRANSITIONAL

REPEALS

34 The following bylaws are repealed:

- (a) Bylaw 10709, Being a Bylaw to Deal with the Provision of Ambulance Service Within the City of Edmonton;
- (b) Bylaw 13567, The City of Edmonton Emergency Response Fees and Charges Bylaw; and
- (c) Bylaw 10801, The City of Edmonton Fire and Ambulance Bylaw.

EFFECTIVE DATE

35 This bylaw takes effect beginning on December 1, 2012.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.L-21 and Bylaw No. 12005, and printed under the City Manager's authority)

Bylaw 15309, passed by Council December 1, 2012

Amendments

Bylaw 16310, January 1, 2013

Bylaw 16652, January 1, 2014

SCHEDULE A – FIRE INSPECTIONS

Fire Inspection Services

- | | | |
|----|---|--------------------------------------|
| a) | Inspection related to the installation or removal of flammable/combustible fuel tank
per Member per hour plus expenses | \$ 79.00 |
| b) | Fire Rescue standby service required as a condition of the issuance of the permit or where the Fire Marshal has determined that there is sufficient risk to the safety of people or property to merit on scene Fire Rescue Services | <i>Charges as per
Schedule C</i> |
| c) | Plans examining and letter of compliance related to the installation or removal of flammable/combustible fuel tank | \$ 196.00 |
| d) | Occupancy Load Approval | \$ 127.00 |
| e) | Occupancy Load Certificate Replacement Fee | \$ 65.00 |
| f) | Occupancy Load Calculation | \$ 127.00 |
| g) | New Business License Approval: | |
| | Low and Moderate Risk | \$ 60.00 |
| | High and Maximum Risk | \$ 180.00 |
| h) | Second Re-Inspection of Quality Management Plan occupancy or building | \$ 125.00 |
| i) | Requested Inspection | \$ 125.00 |
| j) | Special Event Floor Plan Review and Inspection: | |
| | During the hours of 08:00-17:20, Monday to Friday; | \$ 125.00 |
| | A minimum 2 hour will apply when outside the hours of 08:00-17:20, Monday to Friday | <i>Charges as per
Schedule C</i> |
| k) | Special Event Food Outlet Inspection | |
| | During the hours of 08:00-17:20, Monday to Friday; | No Charge |
| | A minimum 2 hour fee will apply when outside the hours of 08:00-17:20, Monday to Friday. | <i>Charges as per
Schedule C</i> |

- l) Major Development Plan Review \$ 125.00
- m) File Search/Summary Report:
 - Search of files related to the history of a particular site or address:
For the first hour of research
 - Each address \$ 126.00
 - Maximum charge for four (4) addresses per building or building complex* per address

(S.2, Bylaw 16310, January 1, 2013)

(S.2, Bylaw 16652, January 1, 2014)

SCHEDULE B – PERMITS

1. Transportation of Hazardous Material permit
per permit, per vehicle, up to one year \$ 79.00

2. Permits related to fireworks and pyrotechnic devices:
 - a) Permit for the sale of fireworks and pyrotechnic devices:
per permit, up to one year \$ 79.00
 - b) Permit for high hazard display of fireworks:
per permit, per event \$ 157.00
 - c) Permit for the use of pyrotechnic devices:
per permit, per event \$ 79.00

3. Permit for small indoor venues for fire performers
up to one year \$ 125.00

4. Permit for open burning per municipal address
up to one year \$ 125.00

(S.3, Bylaw 16310, January 1, 2013)

(S.3, Bylaw 16652, January 1, 2014)

SCHEDULE C – FIRE RESCUE FEES

1. Hazardous Material Incident
Hazardous Material Response that is not a Basic Motor Vehicle
Incident Response
 - i) If the Response is handled and completed by one
single pumper Apparatus \$ 258.00
 - ii) Major Hazardous Material Response **See # 7 below**

2. Fire Rescue Response to false alarms:
 - 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 No Charge
 - b) second (2nd) response to a false alarm \$ 79.00
 - c) third (3rd) response to a false alarm \$ 393.00
 - d) fourth (4th) and each subsequent response to a false alarm \$ 783.00

3. Fire Rescue Response to Commercial false alarms:
 - 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 No Charge
 - b) second (2nd) response to a false alarm \$ 306.00
 - c) third (3rd) response to a false alarm \$ 612.00
 - d) fourth (4th) and each subsequent response to a false alarm \$ 1,224.00

4. Security Alarms routed to Fire Rescue Services:
 - a) Residential \$ 783.00
 - b) Commercial \$ 1,224.00

5. Pumpers, pump tankers, 4 x 4 mobile pumps, rescue trucks,
aerial trucks, jet boat, ambulance bus, air monitoring truck:
per Apparatus, per half hour or portion thereof \$ 392.00

6. Chiefs' vans/cars, salvage truck, hose tender, fan truck, water cannon, mobile command, bus, medical support units, Metzler boat, Zodiac and any other unspecified Apparatus:
per Apparatus, per half hour or portion thereof \$ 198.00
7. Hazardous Material Apparatus:
 - a) per Apparatus, for the first thirty minutes or portion thereof, plus expenses, and a 15% handling charge for all materials and supplies \$ 587.00
 - b) per Apparatus, for each subsequent thirty minutes or portion thereof, plus expenses, and a 15% handling charge for all materials and supplies \$ 392.00
8. Costs related to overtime:
per Member, per half hour or portion thereof, \$ 63.00
9. Costs related to dispatch, monitoring and response management:
per Member, per half hour or portion thereof \$ 43.00
10. Costs related to Fire Inspection:
per Member, per half hour or portion thereof \$ 63.00
11. Costs related to the Fire Investigation:
per Member, per half hour or portion thereof, plus expenses \$ 43.00
12. Costs related to K-9 search per team (includes a handler and a canine):
per half hour or portion thereof, plus expenses \$ 82.00

13. Costs incurred by Fire Rescue Services:
expenses and costs of an action or measure taken (not listed above) are the amount owing

(S.4, Bylaw 16310, January 1, 2013)

(S.4, Bylaw 16652, January 1, 2014)

SCHEDULE D – ADMINISTRATION

1. Request for the administrative service of a Member (including witness interviews):
 - a) per Member, per hour or portion thereof plus expenses
(2 hour minimum charge); \$ 156.00
 - b) plus: thereafter, per Member, per thirty minutes or portion thereof; \$ 48.00
 - c) plus: actual expenses incurred

2. Reports
 - a) Requested copies of Fire Rescue run reports, Hazardous Material reports, Fire Investigation 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; \$ 77.00
 - ii) plus: thereafter, per thirty minutes or portion thereof \$ 48.00
 - b) Duplication of photographs:
 - i) Hardcopy Photograph
 - A) up to 5 photographs \$ 45.00
 - B) each additional photograph \$ 10.00
 - ii) Digital Photographs
 - A) up to 20 digital photographs \$ 57.00
 - B) each additional digital photograph \$ 5.00

(S.5, Bylaw 16310, January 1, 2013)

(S.5, Bylaw 16652, January 1, 2014)