

Province of Alberta

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA AUTHORIZING THE PREVENTION AND CONTROL OF FIRES

WHEREAS the *Municipal Government Act R.S.A. 2000, Chapter M-26* as amended, provides that Council may pass Bylaws for the safety, health, and welfare of people; the protection of people and property; the prevention of nuisances; and for services provided by or on behalf of a municipality;

AND WHEREAS the Town of Westlock Council wishes to provide for the prevention, regulation and control of fires within the Town of Westlock;

NOW THEREFORE the Town of Westlock Council hereby enacts as follows:

SECTION 1 - SHORT TITLE

1.1 This Bylaw may be cited as "The Fire Prevention Bylaw".

SECTION 2 – DEFINITIONS and INTERPRETATIONS

2.1 For the Purpose of this Bylaw

- a) **Acceptable** means Acceptable to the Town of Westlock.
- b) **Acceptable Fire Pit or Fireplace** means an outdoor receptacle which is only used for Recreational Fires and which meets the following specifications:
 - i. is not located on top of buried utility lines, or directly underneath overhead utility lines;
 - ii. is situated at least 3 meters from property lines, buildings, similar structures or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
 - iii. has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible material acceptable to the Fire Chief;
 - iv. has a Regulation Screen covering the opening in a manner sufficient to contain and reduce the hazards of airborne sparks;
 - v. is situated on non-combustible base material or soil at least 0.5 meters in width immediately surrounding the pit or fireplace.
 - vi. in the case of a fire pit:
 - (a) a height not exceeding 0.6 meter when measured from the lowest point of the surrounding grade to the top of the pit opening;
 - (b) an opening with a width, length or diameter not exceeding 1 meter when measured at the widest part; and

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- vii. in the case of a Fireplace:
 - (a) a chimney not less than 2.5 meters in height when measured from the lowest point of the base of the Fire burning area;
 - (b) a base of the Fire burning area not less than 0.3 meters above the lowest point of the surrounding grade;
 - (c) a Fire chamber not exceeding 1.25 meters in width measured at the widest point; and
 - (d) a Fire chamber not less than 0.4 meters and not more than 0.6 meters in depth measured at the deepest point.
 - (e) is situated at least 3 meters from property lines, buildings, similar structures or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
- viii. in the case that the Fire Pit or Fire Place is situated on a wooden deck or patio:
 - (a) non-combustible material such as brick or stone with a minimum thickness of 50 mm (2 inches) shall be placed between the Fire Pit or Fireplace and the wooden deck or patio; and
 - (b) is situated at least 3 meters from property lines, building similar structure or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
- c) **Burnable Debris** means
 - i. clean wood material which does not contain wood preservatives or laminates;
 - ii. seasoned wood, charcoal, natural gas, propane, or any other materials or substances sold for the purpose of being burned for Recreational Fires which are not Prohibited Debris;
- d) **Chief Administrative Officer** means the person appointed to that position and title by Council.
- e) **Council** means the Municipal Council of the Town of Westlock.
- f) **Designate** means any individual designated by the Fire Chief to act in the capacity of Fire Chief.
- g) **Dwelling Unit** means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

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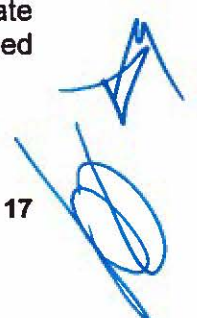
- h) **Fire** means the burning of any flammable or combustible material, or any combustible material in a state of combustion including hot ashes or embers.
- i) **Firefighter** means a member of the Fire and Rescue Services Department, including the Fire Chief, whose functions, duties or powers are to carry out Fire Services.
- j) **Fire Ban** means an order, prohibition or restriction of Fires, issued by the Province of Alberta or by the Fire Chief pursuant to this bylaw.
- k) **Fire Chief** means the individual who is appointed as the head of the Fire and Rescue Services Department or his Designate authorized to act in his place.
- l) **Fire Hazard** means a condition, circumstance or event that, in the opinion of the Fire Chief, unduly or excessively increases the possibility or probability of Fire occurring, becoming a Running Fire, or causing injury or property damage.
- m) **Fire Permit** means a permit issued and prescribed by the Town pursuant to this Bylaw allowing for the setting of Outdoor Fires.
- n) **Fire Pit Permit** means a permit allowing the setting of Fires within an Acceptable Fire Pit or Fireplace.
- o) **Fire and Rescue Service Department** means the department of the Town which provides Fire Services in accordance with this bylaw. Commonly referred to as the Fire Department.
- p) **Fire Services** means any service delivered by the Town that is authorized by Council and designed to prevent, combat or alleviate the effect of a Fire or other Emergency including, but not limited to, Fire prevention, Fire suppression, Fire investigation, rescue services, public education and information, training or other staff development.
- q) **Incinerator Fire** means a Fire that is confined within structure, container or burn barrel, that meet the following specifications:
 - i. a minimum of three (3) meters separation is maintained from buildings, Property lines, or other combustible material measured from the nearest edge;
 - ii. is constructed of non-combustible material;
 - iii. is situated on non-combustible base material or soil at least 1 meters in width immediately surrounding the incinerator;
 - iv. openings are covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimeters.

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Industrial or commercial type incinerators that are required to be licensed under the *Alberta Environmental Protection and Enhancement Act* and regulations are exempt from this section.

- r) **Industrial Flare Stack** means is a gas combustion device used in the safe and controlled combustion of flammable gasses from pipelines or storage vessels.
- s) **Municipal Government Act** means the Municipal Government Act, R. S. A. 2000, c. M-26 as amended and any regulations thereunder.
- t) **Multi-Unit** means all structures with more than one residential occupancy, but excluding semi-detached homes.
- u) **Occupier** means any Person occupying any Property, or having control over the condition of any Property and the activities conducted on the Property, whether he is the Owner or Lessee of such Property, or whether such Person resides thereon or conducts business thereon;
- v) **Open Burning** means the burning of any matter in such a manner that products of combustion resulting from the burning are emitted directly into the ambient (surrounding outside) air without passing through an adequate stack, duct or chimney.
- w) **Outdoor Fire** means any Fire that is not an Incinerator Fire, Smudge Fire, or Fires that are contained within and Acceptable Fire Pit or Fireplace.
- x) **Owner** means a Person who:
 - i. in the case of land, is 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 Person al Property, is in lawful possession, or has the right to exercise control over the Property, or is the registered Owner of the Property.
- y) **Order to Remedy** means an Order issued pursuant to this Bylaw or to the *Municipal Government Act* to remedy a condition that is not in compliance with any provision of this Bylaw
- z) **Peace Officer** includes a Bylaw Enforcement Officer, a Community Peace Officer or a member of the Royal Canadian Mounted Police;
- aa) **Person** means an individual, firm, corporation, partnership, Owner, Occupier, lessee or tenant.
- bb) **Portable Appliance** means any appliance sold or constructed for the purpose of heating, such as a propane or natural gas fueled fire pit, or cooking food in the outdoors, such as portable barbeques which operate by liquefied petroleum gas (propane), natural gas or compressed briquettes or charcoal.



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- cc) **Prohibited Debris** means any material that when burned, will result in the release to the atmosphere of dense smoke, offensive odors or a substance, the release of which is regulated, prohibited or controlled by the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c.E-12 and includes but is not limited to:
- i. animal manure;
 - ii. pathological waste;
 - iii. non – wooden material;
 - iv. waste materials 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 substance, except rubber or plastic attached to shredded scrap steel;
 - viii. used oil;
 - ix. wood or wood products containing substances for the purpose of preserving wood.
- dd) **Property** means a parcel of land including any structures or, where the context so requires, a chattel.
- ee) **Public Park** means land owned by the Town provided for recreational purposes.
- ff) **Recreational Fire** means a Pit Fire or a Fire confined to a non-combustible container which is set for the purpose of cooking, obtaining warmth or viewing pleasure, and which is fueled by Burnable Debris only.
- gg) **Regulation Screen** means a spark arrestor mesh screen with openings no larger than 1.25 cm at their widest dimension and constructed of expanded metal or equivalent non-combustible material.
- hh) **Restricted Burn Area** means an area within the Town of Westlock that has special burning restrictions as designated by the Council or the Fire Chief.
- ii) **Running Fire** means a Fire burning without being under the control of any Person.
- jj) **Smudge Fire** means a Fire set for the purpose of protecting livestock from insects.
- kk) **Solid Fuel** means various types of solid material that are used as fuel to produce energy and provide heating, usually released through combustion. Solid fuels include, but are not limited to: wood, charcoal,

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peat, coal, Hexamine fuel tablets, and pellets made from wood, corn, wheat, rye and other grains.

II) Solid Fuel Appliances means any Fireplace or wood heater that burns wood, coal, or any other nongaseous or non-liquid fuels, or any similar device burning any solid fuel, used for aesthetic or space-heating purposes in a private residence or commercial establishment.

mm) Town means the Town of Westlock, its employees or it's duly authorized representatives.

- 2.2** The Owner of a Property is ultimately responsible for all activities on their Property which may constitute contravention of this Bylaw and shall be liable for all fees and fines assessed thereunder.
- 2.3** Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation, other Bylaws or any requirements of any lawful permit.
- 2.4** Where this Bylaw refers to another Act, Bylaw, regulation, or agency; it includes reference to any Act, Bylaw, regulation or agency that may be substituted.
- 2.5** All references 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.

SECTION 4 - POWERS OF THE FIRE CHIEF

- 4.1** Unless limited by Council, the Fire Chief shall have the authority and power to:
 - a) Issue a Fire Permit in respect of any Property within the Town;
 - b) Issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Chief considers appropriate;
 - c) Suspend or cancel a Fire Permit at any time;
 - d) Enforce the provisions of this Bylaw within the boundaries of the Town;
 - e) Refuse issuance of a permit on reasonable and probable grounds that a public interest risk exists for the proposed Fire.
- 4.2** If, in the opinion of the Fire Chief, a Fire poses a danger or does not comply with the requirements of this Bylaw, he may extinguish the Fire and take any other steps deemed necessary to ensure that the Fire and site of the Fire no longer poses a danger.

SECTION 5 - FIRE PERMITS

- 5.1** All applications for a Fire Permit must have the Owners consent.
- 5.2** Applications for a Fire Permit must be received five (5) business days prior to the proposed start of burn operations.



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- 5.3** Fire Permits shall be required for all Outdoor Fires.
- 5.4** Council from time to time by resolution may establish a fee for issuing a Fire Permit.
- 5.5** An application for a Fire Permit for an Outdoor Fire shall be made to the Town in writing on the form prescribed by the Town.
- 5.6** Each application for a Fire Permit shall contain the following information:
- a) The name and address of the applicant;
 - b) The legal description or municipal address of the Property on which the Fire will be set;
 - c) A description of the material the applicant proposes to burn;
 - d) The period of time the Fire Permit is valid;
 - e) The precautions that will be taken by the applicant to ensure that the proposed Fire remains under his control;
 - f) The signature of the applicant;
 - g) The signature of the Fire Chief.
- 5.7** The Fire Chief shall consider an application for a Fire Permit upon receipt, and may:
- a) refuse the application if it does not comply with this bylaw or it has been determined to not be in the public's best interest.
 - b) approve the application with or without conditions, or
 - c) determine that a Fire Permit is not required.
- 5.8** A Fire Permit is not transferable.
- 5.9** A Person to whom a Fire Permit has been issued under this section shall, at all times, keep at least one Person who is over 18 years of age in place to continuously supervise the Fire.
- 5.10** Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief, but in any case shall not exceed ninety (90) days. The Fire Permit shall have endorsed thereon the period of time for which it is valid.
- 5.11** The Fire Chief may extend the period of time the Fire Permit is valid, provided the Fire Permit has not expired.
- 5.12** Notwithstanding any provision within this Bylaw, the Fire Chief may issue a Fire Permit at his discretion and may designate any part of the Town as a "Restricted Burning Area".

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SECTION 6 - FIRE PIT PERMIT

- 6.1** Council from time to time by resolution may establish a fee for issuing a Fire Pit Permit.
- 6.2** All applications for a Fire Pit Permit must have the Owners consent.
- 6.3** Applications for a Fire Pit Permit must be received ten (10) business days prior to the proposed date of use of the Fire Pit.
- 6.4** A Fire Pit Permit is required for all Fires set within an Acceptable Fire Pit or Fireplace.
- 6.5** No Person shall construct, nor permit to be constructed an Acceptable Fire Pit or Acceptable Fireplace without having been issued a valid Fire Pit Permit
- 6.6** An application for a Fire Pit Permit shall be made to the Town in writing on the form prescribed by the Town
- 6.7** The Fire Chief or Designate shall consider an application for a Fire Permit upon receipt, and may:
 - a) Refuse the application if it does not comply with this bylaw or it has been determined to not be in the public's best interest.
 - b) approve the application with or without conditions, or
 - c) Determine that a Fire Permit is not required.
- 6.8** A Fire Pit Permit is not transferable

SECTION 7 - FIRE BANS and PERMIT CANCELLATION

- 7.1** The Fire Chief may from time to time issue a Fire Ban when in the opinion of the Fire Chief, a Fire Hazard exists
- 7.2** The Fire Chief shall be empowered to suspend all Structural Fires, Incinerator Fires, Outdoor Fires, Smudge Fires, or any outdoor camping Fire lit for cooking or warming purpose, or the discharging of Fireworks within all or portions of the Town for such a period of time and on such conditions as may be determined by the Fire Chief.
- 7.3** If a Fire Ban is in force, all Fire Permits are cancelled and Fire Pit Permits are suspended unless otherwise directed by the Fire Chief.
- 7.4** A Fire Ban issued by the Fire Chief shall be in force until such time as the Fire Ban has been lifted by the Fire Chief.
- 7.5** When a Fire Ban is in force, no Person shall set a Fire or cause or allow a Fire to be set on his property or property under his control, or if the property is located in a Public Park site within the Town.
- 7.6** The Fire Chief, upon issuing or lifting a Fire Ban pursuant to clauses 7.1 or 7.2, shall give public notice through www.albertafirebans.ca or such other websites

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as he/she may deem appropriate and through any media announcements or other methods as he deems appropriate.

- 7.7** Notwithstanding section 7.2, all Persons are responsible for determining whether a Fire Ban is in effect, and failure to receive notice of a Fire Ban shall not constitute a valid defence for a breach of such Fire Ban.

SECTION 8 – CONTROL OF HAZARDS

- 8.1** The Owner or Occupier of any Property within the Town shall ensure that the Property is free of Fire Hazards.

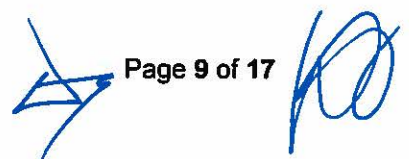
SECTION 9 - EXEMPTIONS

9.1 A Fire Permit or Fire Pit Permit is not required for:

- a) A Portable Appliance when used for the purpose of heating or cooking provided that the Portable Appliance:
 - i. is being utilized on private Property, in a public area or area designated for such purposes or at a location approved by the Fire Chief.
 - ii. is being used as per the manufacturer's specifications.
- b) A Fire within a non-combustible container provided by the Town within a designated Public Park where burning for cooking and warming is permitted.
- c) Any industrial or commercial type incinerator that is required to be licensed under the *Alberta Environmental Protection and Enhancement Act and Regulations*.
- d) Burning in fireplaces in or attached to dwellings as provided by the *Alberta Building Code*.
- e) Fires that are set for the purpose of training Fire and Rescue Services Department members.
- f) Industrial Flare Stacks.

SECTION 10 - RESPONSIBILITY OF THE PERMIT HOLDER

- 10.1** Every Person who builds, ignites, kindles, or allows a Permitted Fire in an Acceptable Fire Pit or Fireplace, Outdoor Fire or Smudge Fire must ensure that:
- a) a means of extinguishing the Fire is kept on hand at all times while the Fire is burning;
 - b) in the case of an Acceptable Fire Pit or Fireplace, the flames of the Fire do not exceed 90 cm in height at any time;



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- c) it is supervised at all times by a responsible Person, who is at least 18 years of age, until such time that it has been extinguished. A Fire shall be deemed to include hot ashes and smoldering embers resulting from the Fire ; and
 - d) The Fire is extinguished completely, leaving only cold ashes, prior to leaving the Fire.
 - e) No other Bylaw in the Town is contravened.
- 10.2** A Person having care and control of a permitted Recreational or Outdoor Fire must produce a copy of the permit on demand of a Peace Officer or Firefighter.
- 10.3** A Person who fails to produce a permit under Section 10.2 is guilty of an Offence.

SECTION 11 - PROHIBITIONS

- 11.1** No Person shall kindle an Outdoor Fire, Incinerator Fire, or Smudge Fire within the Town, except with a Fire Permit issued pursuant to this Bylaw.
- 11.2** When a Fire is lit under the circumstances described in Section 10.1, the Owner or the Person having control of the Property upon which such Fire is lit shall:
- a) Extinguish the Fire immediately; or
 - b) If unable to extinguish the Fire immediately, report the Fire to the Fire Department; and
 - c) Be liable to prosecution under conviction and/or costs incurred by the Town to respond, suppress and extinguish the Fire at the discretion of the Town.
- 11.3** No Person shall, either directly or indirectly, personally or through an agent, servant or employee ignite a Fire and let it become a Running Fire on any Property or allow a Running Fire to pass from his own Property to another Property.
- 11.4** No Person shall light an Outdoor Fire, Incinerator Fire, or Smudge Fire without first taking sufficient precaution to ensure that the Fire can be kept under control at all times.
- 11.5** No Person shall at any time burn any Prohibited Debris nor place Prohibited Debris into a Fire and allow it to burn.
- 11.6** No Person shall light an Outdoor Fire, Incinerator Fire, Smudge Fire, or Portable Appliance not fuelled by propane or natural gas, during a Fire Ban.
- 11.7** No Person shall obstruct a Firefighter, Peace Officer or Bylaw Enforcement Officer in the performance of their duties. Obstruction will include, but is not limited to, failure to provide access to Property and failure to provide information as to identity of individuals.

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- 11.8** No Person shall install, operate or burn materials in an Outdoor Wood-Fired Boiler (OWB) or Coal-Fired Indoor or Outdoor Appliance in the Town of Westlock unless it meets the clean burning regulations and emission control standards of the *CSA Standard CAN/CSA-B415.1-00 Current Edition*.
- 11.9** Persons already in possession of and/or operating an Outdoor Wood-Fired Boiler (OWB) or Coal-Fired Indoor or Outdoor Appliance in the Town of Westlock that does not meet the clean burning regulations and emission control standards of the *CSA Standard CAN/CSA-B415.1-00 Current Edition* at the time of Bylaw publication shall have a grace period of not more than one (1) year to replace or discontinue use of the appliance.
- 11.10** No Person shall disclose false information when applying for a Fire Permit.
- 11.11** No Person shall allow any Fire to give off a dense smoke or offensive odor in a manner which creates a risk to public safety or creates a nuisance to neighboring Person(s) or Property.
- 11.12** No Person shall kindle or light a Fire in an unsafe manner.
- 11.13** No Person shall burn Prohibited Debris on any lands in the Town where the Prohibited Debris were transported from another location, municipality or jurisdiction (this does not include Burnable Debris used for Recreational Fires).
- 11.14** No Person shall kindle a Fire or burn materials in a Solid Fuel Appliance unless the appliance meets the clean burning regulations and emission control *CSA Standards CAN/CSA-B415.1-00 Current Edition*.
- 11.15** No Person shall kindle a Fire in a Portable Appliance in a Dwelling Unit.
- 11.16** No Person shall use or cause to be used a Solid Fuel Appliance or Open Burning of any kind on balconies of Multi-Unit residential buildings.

SECTION 12 - OFFENCE AND PENALTY

- 12.1** Any Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine of not less than \$125.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both
- 12.2** Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw shown for any offence referred to in Column 1 of Schedule "A" to this Bylaw is the immediately adjacent amount shown in Column 2 of same Schedule.
- 12.3** When a voluntary payment option is provided, the specified penalty payable in respect of a contravention of this Bylaw shown for any offence referred to in Column 1 of Schedule "A" to this Bylaw is the immediately adjacent amount shown in Column 2 of same Schedule.
- 12.4** The specified penalty prescribed by this Bylaw shall be reduced by 20% if paid within 21 days of service of the corresponding Violation Tag or Violation Ticket.

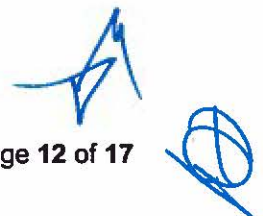


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- 12.5** A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A Person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day. No proceedings may be instituted under this Bylaw more than 6 months after the last occurrence of the alleged offence.
- 12.6** Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within twenty-four (24) months, the minimum fine and specified penalty of the previous offence, is indicated in Column 3 and 4 of Schedule "A", up to a maximum penalty of \$10,000.00.
- 12.7** Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a Fire, responding to a Fire call or incident in the Town, or for the purpose of preserving life or Property from injury or destruction by Fire or other incident on Property within the Town, including any action taken by the Fire and Rescue Services Department, the Fire Chief may, in respect of any costs incurred by the Town in taking such action, charge these costs to the Owner and/or Occupier of the Property in respect of which the action was taken.
- 12.8** The costs for Fire Services rendered shall be determined by the Fire Chief. In the event that the Owner or Occupier shall feel aggrieved by any action taken by the Fire Chief pursuant to Section 12.4, he shall have a period of thirty (30) days from the date of mailing of the notice to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the Owner or Occupier of the Property.
- 12.9** In respect of any costs or fees levied or charged under section 12.7:
- a) The Town of Westlock may recover such costs or fees as an amount due and owing to the Town pursuant to Section 552 of the *Municipal Government Act R.S.A. 2000, Chapter M-26*; and
 - b) In default of payment, where permitted by the *Municipal Government Act R.S.A. 2000, Chapter M-26 Section 533(1) (c)*, add the amounts due to the tax roll of the Property in question.

SECTION 13 – VICARIOUS LIABILITY

- 13.1** In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.



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- 13.2** In this Bylaw, the legal and beneficial owners of any land are each severally liable and each guilty of the offence if the tenant(s), lessee(s), or Occupier(s) of such land contravene or fail to comply with this Bylaw in relation to such land.

SECTION 14 – INSPECTING AND REMEDYING CONTRAVENTION

- 14.1** On behalf of the Town of Westlock, any Peace Officer, Firefighter or agent of the Town of Westlock may enter upon any parcel of land within the Town of Westlock and take any actions or measures deemed necessary by such Person(s) to achieve any of the following purposes:
- a) To carry out any inspections to determine compliance with this Bylaw;
 - b) To eliminate any danger to public safety caused by a contravention of this Bylaw;
 - c) To extinguish fires;
 - d) To enforce this Bylaw; or
 - e) To prevent a re-occurrence of any contravention of this Bylaw.
- 14.2** Except as otherwise provided in this Bylaw, notice shall be provided as follows:
- a) If a Peace Officer, Firefighter, or agent of the Town of Westlock reasonably believes that there may be an emergency related to the subject premises, no notice is required;
 - b) Where only an investigation to determine compliance is conducted, notice may be effected upon the occupants of the premises in writing or verbally not less than 24 hours in advance, and need not be in the form of an Order to Remedy; and
 - c) Subject to the foregoing, no such action or measures referred to in the preceding section may be performed until 7 days have elapsed following the mailing of an order to remedy the danger, condition, or contravention, as prescribed by the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto (an "Order to Remedy").
 - d) An Order to Remedy shall be served personally or by registered mail to the address specified in the Land Titles Certificate for any parcel of land which will be affected by such action or measures. Such mailing shall be effective notwithstanding that the registered mail is not accepted or retrieved.
- 14.3** All expenses, costs, and legal costs on a solicitor-client basis incurred by the Town of Westlock or its agents for any such action or measure performed pursuant to this Bylaw or the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto, are amounts owing to the Town of Westlock by the Person who was required to do something by the Order to Remedy, shall be paid within 30 days of any such Person receiving notice of the amount due by registered mail served and effective in the same manner as the Order to Remedy, and are amounts which may be added to the property tax roll, the



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business tax roll, or both pursuant to the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto.

- 14.4** No Person shall obstruct or hinder any other Person in the exercise or performance of that Person's powers pursuant to this Bylaw.

SECTION 15 - VIOLATION TAGS

- 15.1** Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw. In this Bylaw, "Peace Officer" shall have the same definition as contained in the *Provincial Offences Procedure Act*, RSA 2000, c P-34 and all amendments thereto.
- 15.2** A Violation Tag may be issued to any Person either:
- a) Personally;
 - b) By placing a copy of the Violation Tag upon a vehicle registered to such Person; or
 - c) By mailing a copy to such Person by registered or ordinary mail to their last known mailing address.
- 15.3** A Violation Tag shall be in a form approved by the Town of Westlock and shall include:
- a) the name of the Person;
 - b) the date upon which the offence was committed;
 - c) the section number(s) of this Bylaw which were contravened;
 - d) the appropriate specified penalty or minimum fine for the offence as prescribed by this Bylaw;
 - e) the time within which the entire penalty must be paid to the Town of Westlock; and
 - f) that if payment is not received within the time permitted by such Violation Tag, there shall be an administrative surcharge of \$20.00, or 20% of the specified penalty, whichever amount is greater.
- 15.4** If payment is received by the Town of Westlock within the period of time permitted by any such Violation Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.
- 15.5** Except where a Violation Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, c P-34 and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSC 1985, c C-46 and all amendments thereto, at any time within 6 months of the last

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occurrence of the offence, regardless of whether or not a Violation Tag has been issued.

- 15.6** Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, RSA 2000, c P-34, and all amendments and regulations thereto.
- 15.7** Any fine or penalty imposed upon conviction for any offence occurring within the Town of Westlock enures to the benefit of the Town of Westlock.

SECTION 16 - VIOLATION TICKETS

- 16.1** Notwithstanding Section 15, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 16.2** A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 16.3** The Person to whom the Violation Ticket has been issued may plead guilty by making voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.
- 16.4** Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

SECTION 17 - SEVERABILITY

- 17.1** Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

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SECTION 18 - VALIDITY

18.1 The invalidity of any section, clause, sentence or provision of this Bylaw shall not affect the validity of any other part of this Bylaw, which can be given effect with such invalid part or parts severed.

SECTION 19 – REPEAL

19.1 Bylaw 2010-16 Fire Prevention Bylaw, and all amendments are hereby repealed.

SECTION 20 - EFFECTIVE

20.1 This Bylaw shall come into force and effect on the date of the third and final reading.


READ a first time this 22nd day of June, 2015

READ a second time this 22nd day of June, 2015


Unanimous consent for third reading this 22nd day of June, 2015

READ a third time this 22nd day of June, 2015.

Signed by Mayor and CAO this 22nd day of June, 2015.



Mayor Ralph Leriger
DAVID TEUCKEY, DEPUTY MAYOR



CAO Dean Krause



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Schedule "A"

OFFENCE PENALTIES

Column 1 (Section Number of Bylaw)	First Offence	Second Offence	Subsequent Offence
Section 10.3	\$150	\$300	Up to \$10000
Section 11.1	\$250	\$750	\$2,000
Section 11.2	\$250	\$750	\$2,000
Section 11.3	\$500	\$2,000	\$10,000
Section 11.4	\$500	\$2,000	\$10,000
Section 11.5	\$500	\$2,000	\$10,000
Section 11.6	\$1000	\$5,000	\$10,000
Section 11.7	\$5000	\$7,500	\$10,000
Section 11.10	\$2500	\$7,500	\$10,000
Section 11.11	\$500	\$2,000	\$10,000
Section 11.12	\$500	\$2,000	\$10,000
Section 11.13	\$500	\$2,000	\$10,000
Section 11.14	\$500	\$2000	\$10,000
Section 11.15	\$500	\$2,000	\$10,000
Section 11.16	\$500	\$2,000	\$10,000
Section 11.17	\$500	\$2,000	\$10,000
Section 11.18	\$500	\$2,000	\$10,000



no