

OFFICE CONSOLIDATION

BYLAW NUMBER 40M2003

**BEING A BYLAW OF THE CITY OF CALGARY TO ENABLE THE
FIRE DEPARTMENT TO VACATE BUILDINGS AND TO ESTABLISH
FEES FOR SERVICES PROVIDED BY THE FIRE DEPARTMENT**

(Amended by Bylaw Number 56M2004, 16M2006, 45M2013 *Effective 2014 January 01*)

WHEREAS the *Municipal Government Act* enables a Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property; and respecting services provided by or on behalf of the municipality;

AND WHEREAS the purposes of a municipality include providing services that, in the opinion of Council, are necessary or desirable;

AND WHEREAS the *Safety Codes Act* enables an accredited municipality to make bylaws respecting fees for services provided pursuant to the Act and carrying out its powers and duties as an accredited municipality;

AND WHEREAS it is desirable that the Fire Department provide certain non-emergency services;

AND WHEREAS The City of Calgary is an accredited municipality under the *Safety Codes Act*;

AND WHEREAS it is desirable that the people for whom services are provided be responsible for offsetting the cost of providing those services;

NOW THEREFORE THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

INTERPRETATION AND DEFINITIONS

1. (1) This Bylaw may be referred to as "The Fire Fees Bylaw".
- (2) In this Bylaw:
 - (a) "*Alarm Services Provider*" includes any Person who installs, maintains or monitors either Fire Alarm systems or Security Alarm systems;
 - (b) "*Building*" includes a dwelling house;

- (c) “*Business Owner*” includes a Person in whose name a business licence is issued;
 - (d) “*Calendar Year*” means from midnight of January 1 to 11:59 p.m. of December 31 of the same year;
 - (e) “*False Alarm*” means an alarm in a building to which the Fire Department is dispatched and in respect of which no fire or similar emergency is found;
 - (f) “*Person*” includes a corporation and other legal entities;
 - (g) “*Property Manager*” includes a management company and a Person who is responsible for the maintenance or upkeep of a Building;
 - (h) “*Property Owner*” means the Person on title for a parcel of land at Land Titles;
 - (i) “*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
 - (j) “*Registered Owner*” means the person in whose name a vehicle is registered pursuant to the *Traffic Safety Act*.
- (3) Where this Bylaw enables or authorizes the Fire Department to do anything, that thing may be done by a person employed by the Fire Department whose duties, as determined by the Fire Chief or the Chief Executive Officer of The City of Calgary, include doing that thing.
- (4) Where this Bylaw refers to any other bylaw, Provincial or Federal legislation, regulation or similar legislative device, it includes reference to any legislation passed as an amendment or in substitution therefore.

POWER TO VACATE BUILDINGS AND PERIMETERS

2. (1) When providing any services, the incident commander may:
- (a) order people in a Building to vacate the Building and not re-enter the Building until the incident commander says they may enter the building;

- (b) designate a perimeter around a Building and order people to stay out of that perimeter until the incident commander says they may enter the area contained within the perimeter;
 - (c) designate a perimeter around a motor vehicle accident and order people to stay out of that perimeter until the incident commander says it is safe to enter the area contained within the perimeter; and
 - (d) designate a perimeter around any other incident requiring a response by the Fire Department and order people to stay out of that perimeter until the incident commander says that they may enter the area contained within the perimeter; and
 - (e) enlist the assistance of police or other peace officers to ensure no person remains or re-enters a Building or perimeter that the incident commander has ordered be vacated.
- (2) Any Person who fails to comply with an order of the incident commander to vacate a building or perimeter commits an offence.
 - (3) The minimum penalty to be applied to a Person convicted of an offence under this section is \$250.
 - (4) The specified penalty for an offence under this section is \$500.

3. REPEALED BY B/L 56M2004, 2004 DECEMBER 14.

FEES FOR INSPECTIONS

- 4. (1) The Fire Department may charge fees for conducting inspections at Buildings and businesses as set out in Schedule "B" to this Bylaw.
- (2) The fees provided for by this section may be charged to the Property Owner, the Business Owner, or the Person requesting the inspection.

FEES FOR OTHER SERVICES

- 5. (1) The Fire Department may charge fees for other services it provides as set out in Schedule "C" to this Bylaw.
- (2) The fees provided for by this section may be charged to a Property Owner, a Business Owner, the Person requesting the service, or the Person who benefits from the service.

FEES FOR RESPONDING TO FALSE ALARMS

6. (1) The Fire Department may charge a fee for responding to a False Alarm, as set out in schedule "D" to this Bylaw, where the Fire Department responds to:
 - (a) more than one False Alarm at the same Building within the same Calendar Year;
 - (b) more than one False Alarm from the same fire alarm system within the same Calendar Year; or
 - (c) more than one False Alarm from the same parcel of land within the same Calendar Year where there is more than one Building on the that parcel of land.
- (2) Where the Fire Department responds to any alarm that is as a result of a Security Alarm being routed to the Fire Department, the Fire Department may charge a fee for responding as set out in Schedule "D" to this Bylaw.
- (2.1) Where the Fire Department responds to an alarm as set out in subsection 6(2) and the Business Owner, Property Owner or Property Manager does not provide access to the interior of the Building within 30 minutes of the arrival of the Fire Department at the Building, the Fire Department may charge, in addition to the False Alarm fee set out in Schedule "D", an additional standby fee per minute as set out in Schedule "C", until access is provided to the interior of the Building.
- (2.2) If a Business Owner, Property Owner or Property Manager has installed a lock-box in an accessible location at the Building and if that lock-box contains current keys or codes to provide access to the Building, a Person or key-holder does not have to be present to satisfy the access requirements as set out in subsection 6(2.1).
- (2.3) If the Fire Department is dispatched to respond to an alarm but is notified that the alarm is a False Alarm before a vehicle leaves a fire station, and if as a consequence only one vehicle responds to the False Alarm to re-set that alarm system, the fee set out in Schedule "D" for that response shall be reduced by 50%.
- (2.4) For greater certainty, the 50% fee reduction referred to in subsection 6(2.3) shall apply only to fire alarms, and not to security alarms routed to the Fire Department.

- (3) The fees provided for by this section may be charged to a Property Owner, Business Owner, Alarm Company, Property Manager or Person responsible for the False Alarm.

FEE REBATE

7. (1) Where a Person who has paid a fee for False Alarm has made improvements to the alarm system or in some other way has taken steps to ensure that False Alarms do not occur at the Building to which the False Alarms relate, that Person may apply to the Fire Department for a rebate of the fee.
- (2) An application for a fee rebate must be made in writing and within the same Calendar Year as the fee was applied.
- (3) Where the Fire Department is satisfied that the improvements or other steps taken by an applicant for a fee rebate are likely to decrease the likelihood of a False Alarm, it may rebate up to 50% of the fees already paid by that Person.

EXTRAORDINARY COSTS

8. (1) Where the actual cost of providing the services set out in the Schedules to this Bylaw exceed the amount set out in the Schedules because providing the service took an unusually long time or required specialized equipment, apparatus or materials, or for any other reason outside of the Fire Department's control, The Fire Department may charge a fee in addition to that set out in the Schedules.
- (2) The additional fee provided for in this section must reflect the additional cost of providing the service and a reasonable administrative fee.
- (3) The fees provided for by this section may be charged to a Registered Owner, a Property Owner, a Business Owner, Property Manager, Alarm Company, the Person requesting the service, or the Person who benefits from the service.

UNUSUAL CIRCUMSTANCES

9. (1) Where the Fire Department performs any emergency or non-emergency service that requires equipment, apparatus, materials or labour that is not usually required to perform that service, the Fire Department may charge a fee reflecting the additional costs to perform the service.

- (2) If Fire Department equipment or apparatus, including vehicles, is damaged in the course of the Fire Department providing any emergency or non-emergency service, the Fire Department may charge a fee reflecting the cost of the damage.
- (3) The fees provided for by this section may be charged to a Registered Owner, Property Owner, Business Owner, Property Manager, the Person requesting the service or the Person who benefits from the service.

DEBT OWING

- 10 (1) Any Person who is charged a fee pursuant to this Bylaw must pay the fee within the time specified and in the manner specified on the invoice setting out the fee.
- (2) Any fee that is not paid as specified on the invoice setting out the fee becomes a debt owing to the City of Calgary by the Person to whom the fee was charge.

SEVERABILITY

- 11. Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

CONSEQUENTIAL

- 12. (1) The Massage Licence Bylaw, being Bylaw Number 51M97 as amended, is amended by:
 - (a) deleting "and" where it occurs at the end of subsection 5(1)(a);
 - (b) deleting the period at the end of subsection 5(1)(b) and substituting a semicolon and "and" therefore, and
 - (c) adding the following as subsection 5(1)(c):
 - "(c) the fee required by the Fire Department pursuant to Bylaw Number 40M2003."

- (2) The Massage Licence Bylaw, being Bylaw Number 51M97 as amended, is further amended by:
- (a) deleting subsection 11(1) and substituting the following therefore:

"(1) An application for a licence will not be considered unless and until the *applicant* pays any applicable fees, including *licence fees* and fees for inspections."
 - (b) deleting subsection 11(2) and substituting the following therefore:

"(2) Fees paid by an *applicant* pursuant to this section are not refundable."
- (3) The Massage License Bylaw, being Bylaw Number 51M97 as amended, is further amended by repealing subsection 11(3).
13. The Business Licence Bylaw, being Bylaw Number 32M98 as amended, is amended by:
- (a) deleting subsection 5(1) and substituting the following therefore:

"(1) An application for a licence will not be considered by the Chief Licence Inspector unless and until the *applicant* pays the *licence fee* set out in Schedule "A" and any other fees, including fees for inspections, required by this or any other bylaw.";
 - (b) deleting subsection 5(2) and substituting the following therefore:

"(2) Fees paid by an *applicant* pursuant to this section are not refundable.";
 - (c) repealing subsection 5(3);
 - (d) deleting "licence fee" where it occurs in subsection 5(4) and substituting "fees required pursuant to this section" therefore; and
 - (e) deleting "will" where it occurs in subsection 5(4) and substituting "may" therefore.
14. The Alarm Services Bylaw, being Bylaw Number 31M95 as amended, is amended by adding the following as subsections 18(1.1) and 18(1.2):

"(1.1) The Chief Licence Inspector is not required to consider any application for a licence or renewal of a licence unless and until the fees, including any fees for inspections or consultations required by this or any other bylaw or provincial regulation, have been paid by the applicant.

(1.2) Fees paid by an applicant to The City as part of the application or renewal process are not refundable regardless of whether the application is refused or the licence is suspended or revoked."

15. The Dating and Escort Service Bylaw, being Bylaw Number 34M86 as amended, is amended by:

- (a) adding the following as subsection 5(b.1):

"(b.1) Proof satisfactory to the Chief Licence Inspector that the proposed place of business complies with all applicable land use regulations, health and safety regulations, and any other regulations that may affect the use of the proposed place of business as a body painting studio, dating studio, escort service, encounter studio or model studio;"

- (b) deleting subsection 9(1) and substituting the following therefore:

"9(1) The Chief Licence Inspector is not required to consider any application for a licence pursuant to this Bylaw unless and until the applicant has paid the licence fee and any other fees, including fees for inspections and consultations, required by this Bylaw or any other regulation affecting the business."; and

- (c) adding the following between subsections 9(1) and 9(2) as subsections 9(1.1) and 9(1.2):

"(1.1) Upon application in writing, the Chief Licence Inspector may refund a portion of a licence fee as set out in section 8(1) where a licence has not been issued or has been suspended or revoked.

(1.2) Other than the refund provided for by subsection 9(1.1), fees paid to The City of Calgary as part of the licence application process are not refundable."

16. (1) The Exotic Entertainer's Bylaw, being Bylaw Number 47M86 as amended, is amended by adding the following after subsection 6(b) and before subsection 6(c) as subsection 6(b.1):

"(b.1) Proof satisfactory to the Chief Licence Inspector that the proposed place of business complies with all applicable land use regulations, health and safety regulations and any other regulations that may affect the proposed place of business as an exotic entertainment agency;"

- (2) The Exotic Entertainer's Bylaw, being Bylaw Number 47M86 as amended, is further amended by deleting section 12 and substituting the following therefore:

"12. The Chief Licence Inspector is not required to consider any application for a licence pursuant to this Bylaw unless and until the applicant has paid the licence fee and any other fees, including fees for inspections and consultations, required by this Bylaw or any other regulation affecting the business."

- (3) The Exotic Entertainer's Bylaw, being Bylaw Number 47M86 as amended, is further amended by adding the following as section 15.1:

"15.1 The fees paid by an applicant to The City as part of the licence application or renewal process are not refundable regardless of whether the application is refused or the licence is suspended or revoked."

17. The Bicycle Courier Licensing Bylaw, being Bylaw Number 43M90 as amended, is amended by adding the following after section 10 and before section 11 as section 10.1:

"10.1(1) The Chief Licence Inspector is not required to consider any application for a licence or licence renewal unless and until the licence fee and any other fees, including fees for inspections and consultations required by this or any other bylaw or regulation, have been paid by the applicant.

(2) Fees paid by the applicant to The City as part of the licence application or renewal process are not refundable regardless of whether the application is refused or the licence is suspended or revoked."

EFFECTIVE DATE

18. (1) Sections 12, 13, 14, 15, 16 and 17 of this Bylaw come into effect April 1, 2004.
- (2) All other provisions of this Bylaw come into effect January 1, 2004.

READ A FIRST TIME THIS 3rd DAY OF NOVEMBER, 2003.

READ A SECOND TIME THIS 3rd DAY OF NOVEMBER, 2003.

READ A THIRD TIME, AS AMENDED, THIS 10th DAY OF NOVEMBER, 2003

(Sgd.) D. Bronconnier
MAYOR

(Sgd.) D. Garner
CITY CLERK

SCHEDULE "A"

REPEALED BY B/L 56M2004, 2004 DECEMBER 14

SCHEDULE "B"

FIRE DEPARTMENT SCHEDULE OF RATES AND FEES

(Amended By: 45M2013)

INSPECTIONS AND OCCUPANCY

<u>Service</u>	<u>Fee</u>
Fire Inspections	\$86 per hour, minimum charge \$43
Occupant load certificate	\$41 per certificate
Fire Inspections, requested after Regular Hours	\$133 per hour, 2 hour minimum"

(B/L 45M2013, 2013 November 27, *Effective 2014 January 01*)

SCHEDULE "C"

FIRE DEPARTMENT SCHEDULE OF RATES AND FEES

(Amended By: 45M2013)

PYROTECHNICS, FIREWORKS

Service	Fee
Pyrotechnics/open flame permit	\$51 per event*
Fireworks/Special effects permit	\$122 per event*
Outdoor display fireworks permit	\$122 per event*
* An additional fire inspection fee may be charged, calculated on an hourly basis.	

STANDBY

Service	Fee
Standby	Based on cost and administrative fee

SEARCHES AND REPORTS

Service	Fee
File searches	\$66 per search
Fire incident reports	\$66 per report
Photographs	\$96 for 1 st photo, \$11 for each additional copy

RESPONSES OUTSIDE CITY LIMITS

Service	Fee
Emergency response outside City limits	Based on cost and an administrative fee

TRAINING AND FACILITY FEES

Service	Fee
Training services	Based on costs and administration fee
Facility rentals	Based on costs and administration fee

COMMERCIAL BURNING PERMITS

Service	Fee
Ground Thawing permit	\$51
Ground Thawing Annual permit	\$530
Special Event permit	\$51*
Training Fire permit	\$51 single burn
Training Fire Annual permit	\$530
* An additional fire inspection fee may be charged, calculated on an hourly basis."	

(B/L 45M2013, 2013 November 27, Effective 2014 January 01)

SCHEDULE "D"

FIRE DEPARTMENT SCHEDULE OF RATES AND FEES

(Amended By: 45M2013)

FALSE ALARMS

<u>Service</u>	<u>Fee</u>
False Alarms	Second False alarm \$265
	Third False alarm \$265
	Fourth or more False alarm \$530
Security alarms routed to Fire Department	\$530 per response

(B/L 45M2013, 2013 November 27, Effective 2014 January 01)