

Policy: Fire Recovery Invoicing to Ratepayers

Section: Invoicing

Policy #2009-07

Resolution #229-09

Effective Date: December 8, 2009

Whereas Section 12(1) to 12(3) of the Wildfires Act states:

General prohibitions

12(1) No person shall

- (a) start a fire that is likely to burn out of control, burns out of control, or endangers life, land or property;
- (b) obstruct an officer, a temporary fire guardian or a person in charge of a wildfire protection operation in the performance of his or her duties;
- (c) fail to follow the direction or order of an officer or person in charge of wildfire protection operations with respect to wildfire protection operations; or
- (d) impede wildfire protection operations.

Prohibitions for fires used for agricultural purposes

12(2) No person shall cause a fire to be started in order to guard property, clear land, or burn debris, crops or stubble, unless the land on which the fire is started is completely surrounded by a strip of land not less than six metres wide, and

- (a) the strip is free of inflammable material; or
- (b) all inflammable material on the strip is covered by snow or water.

Prohibitions re fires

12(3) No person shall on any land

- (a) start a fire
 - (i) without taking sufficient precautions to ensure that the fire can be kept under control, or
 - (ii) when weather conditions are conducive to a fire burning out of control;
- (b) fail to take reasonable steps to prevent a fire from spreading;
- (c) place any burning or smouldering matter in a place where it may cause a fire that may spread;
- (d) conduct an activity that may cause a fire to spread; or
- (e) leave the place where he or she has caused a fire to be started without ensuring that the fire is out.

And Whereas Section 31(1) of the Wildfires Act states:

Cost recovery

31(1) Where the Crown or a municipality incurs costs, expenses, loss or damage as a result of

- (a) wildfire protection operations;
- (b) enforcing an officer's order which was not obeyed; or
- (c) fire loss;

the Crown or the municipality is entitled to be reimbursed by the person who caused the Crown or the municipality to incur costs, expenses, loss or damage, and the amount of costs, expenses, loss or damage is a debt due and owing to the Crown or the municipality.

And Whereas Section 82 of the Municipal Act states that a council is responsible (a) for developing and evaluating the policies and programs of the municipality;

And Whereas the Emergency Services Committee of Gilbert Plains has by Resolution #2009-42, dated July 28, 2009, set the rates for cost recovery for the affected municipality to recover costs;

Therefore, the following policy will govern the process for cost recovery for negligent fires, and the invoicing of, to ratepayers of the Rural Municipality of Gilbert Plains.

1. The Fire Chief or Incident Commander will provide a recommendation based on an inadequate fire guard, burning during adverse weather conditions or any other act of negligence as being the cause of the fire becoming out of control.
2. A copy of the Incident Report, breakdown of materials required and wages will be delivered to the Municipal Office for Council's review.
3. Unless otherwise determined by Council, an invoice will be sent to the applicable landowner/ratepayer in a timely manner as per the following rates:

Wages/Labour	as per Incident Report
1995 Freightliner Pump 3	\$450.00 per hour
Ford Rescue Van	\$100.00 per hour
Dodge Fire Truck	\$250.00 per hour
1997 Quickie	\$200.00 per hour
1975 GMC Rescue	\$150.00 per hour
<i>Jaws of Life</i>	
Gilbert Plains Coop	\$350.00 per hour

4. Accounts which become past due (over 30 days) as of the 25th of each month will be subject to an interest charge of no more than 1.25% per month and will be issued a statement detailing the outstanding charge and any associated interest charges.
5. Charges incurred prior to June 30th of each year that remain outstanding as of December 1st of that year, may, by resolution, be transferred to the municipal tax roll and be collected in the same manner as taxes in arrears.

This policy is authorized by Resolution #229-09, dated December 8, 2009.