

Request for Decision

Title	Fire Invoice Appeal – Heritage Nurseries Ltd. (c/o Gerald van Bruggen)
Proposed Motion	That Council deny the fire invoice appeal of Heritage Nurseries Ltd. (c/o Gerald van Bruggen).
Administrative Recommendation	The Manager of Protective Services recommends that County Council deny Heritage Nurseries Ltd. (c/o Gerald van Bruggen) fire invoice appeal in accordance with Bylaw 1315/16.
Previous Council Direction	<p>April 11, 2017 Motion 146/17: That Council postpone consideration of this motion relating to Item D.1 until after a court decision has been made.</p> <p>March 14, 2017 Motion 104/17: That Council direct Administration to bring back a report on this matter for a Request for Decision.</p> <p>October 11, 2016 Motion 351/16: Council approved Bylaw 1315/16 that requires year-round fire permits</p>
Report	<p><u>Background Information</u></p> <p><u>NEW - RESULTS OF COURT PROCEEDINGS:</u></p> <ul style="list-style-type: none"> • Heritage Nurses Ltd c/o Mr. Gerald Van Bruggen. The matter had been set over in court a couple of times since the April appearance here at Council. However, the matter was dealt with on Tuesday, October 10, 2017. As stated there were two charges under the County Burning Bylaw: (1) Burning without a permit; and (2) Obstruction. • During the course of the legal process the charge of burning without a permit was withdrawn. On the charge of obstruction, a plea of guilty was entered and a \$1,000 fine issued. • As per Council direction, Motion 146/17, the matter has now been brought back to Council for a decision on the proposed motion regarding the appeal of fire invoice costs in the amount of \$2,562.

Previous Background (unchanged from April 11, 2017)

- On October 11, 2016, Council endorsed and approved a new Burning Bylaw, Bylaw 1315/16. The new bylaw requires fire permits year around. During the process of writing this new bylaw and in the days and weeks following its approval staff undertook an extensive communications and educational campaign through various methods such as website, newspaper ads and social media.
- At approximately 1800 hrs, November 1, 2016, while on routine patrol PO Willocks observed a small outdoor fire at the Heritage Nurseries Ltd. property on Range Road 252, Sturgeon County. He entered onto the property to investigate. He met and spoke with a young male employee of Heritage Nurseries, and advised him that there was a new burning bylaw in place that requires permits all year around. PO Willocks asked if Gerald (Mr. van Bruggen) was around, the employee advised Mr. van Bruggen was not and that he would be back later. PO Willocks provided a copy of the new burning bylaw to the employee and advised him to give it to Mr. Van Bruggen and that a permit would need to be obtained for any further burning. PO Willocks advised the employee to put the fire out. The employee indicated he would. PO Willocks noted the fire was small at this time. PO Willocks subsequently departed and continued on patrol.
- At about 2030 hrs, November 1, 2017 the District of Namao Fire Department was dispatched out to 54420 Range Road 252, Heritage Nurseries Ltd. for a reported outside fire – large. Members responded with an Engine and Rapid as per Standard Operating Guidelines (SOGs). Upon arrival at scene the gate accessing the laneway to where the fire was closed but not locked. The gate was opened and crews proceeded to the location of the fire. Once at the fire they found an unattended pile of brush and garbage burning. The fire contained wood, plastic, metal and other prohibited material. Photographs of the fire were taken and the OIC, District Chief John Bale, directed crews to extinguish the fire. Crews utilized approximately 1,000 gallons of water to extinguish the fire, pile. District Chief Bale advised a male that arrived on scene that a 911 call had been received regarding a large fire that was seen from Hwy 37. He further explained crews first wanted to secure the unattended fire and had planned to make the phone call to the number once the scene was under control. The male denied burning prohibited debris and indicated he was unaware of the new burning bylaw. He indicated he had talked with the Peace Officer around six o'clock. District Chief Bale asked for the individual's name but he refused. The male individual was later identified as Mr. van Bruggen. Crews completed clean up and began departing the property. District of Namao members returned to the Firehall and cleaned equipment returning trucks to service.
- On November 2, 2017, due to the nature of this occurrence it was referred to Sturgeon County Enforcement for investigation. District of Namao Fire department member's statements, photos and video

were provided to enforcement and an investigation file was assigned to PO Willocks.

- It is important to note when such incidents occur and are referred to Enforcement an investigation is conducted to ascertain if violations have occurred under the Burning Bylaw. Simultaneously but separately the County Fire Chief conducts a review of such incidents to see if an invoice for services rendered in accordance with the Fire Service Bylaw is warranted.
- In this instance, because of Enforcement's investigation and findings two offences were cited under the County Burning Bylaw (1) burning without a valid permit and (2) obstruction.

Both matters are currently before the Provincial Courts.

- On November 7, 2016 in relation to this occurrence an invoice for \$2,562.00 was directed to be compiled and issued by the Fire Chief to Heritage Nurseries Ltd. (c/o Gerald van Bruggen). The invoice was processed accordingly and sent to Heritage Nurseries Ltd. via registered mail in early December 2017. The invoice was returned unclaimed on January 5, 2017. As a result, the invoice was re-sent directly to Mr. Gerald van Bruggen's home address.
- On January 27, 2017 Mr. van Bruggen contacted the Sturgeon County Protective Services office and spoke with Chief Mahoney and advised he wished to appeal the fire invoice sent to Heritage Nurseries Ltd. c/o himself. Following the legislative processes in place, Mr. van Bruggen was provided time at the March 14, 2017 regular Council meeting to present his appeal.
- It should be noted this is not the first occurrence Sturgeon County Protective Services has had involving Heritage Nurseries Ltd. (c/o Gerald van Bruggen) with questionable burning practices.
- November 1, 2016 occurrence currently before Council.

Prior Occurrences:

- November 12, 2015, at approximately 0041 hrs, District of Namao Fire Department were dispatched to Heritage Nurseries Ltd. to a large outside fire. Upon arrival crews found a large unattended fire containing prohibited debris such as mattresses, vehicle parts and other garbage burning;
- October 22, 2012, at approximately 0801 hrs, District of Namao Fire Department were dispatched to a smoke investigation and located a fire on the Heritage Nurseries Ltd. property. Upon investigation, it was determined the fire contained prohibited material, metals, plastics, aerosol cans and other prohibited materials items. Fire crews from the District of Namao extinguished the fire. One enforcement charge was issued and an invoice for fire services rendered in the amount of \$1260.00 was issued to Heritage Nurseries Ltd. The invoice went unpaid and the amount was transferred to property taxes in accordance with bylaw.

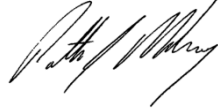
	<p><u>External Communication</u></p> <ul style="list-style-type: none"> • Not required. Direct matter with Heritage Nurseries Ltd. (c/o Gerald van Bruggen). <p><u>Relevant Policy/Legislation/Practices:</u></p> <ul style="list-style-type: none"> • Sturgeon County Burning Bylaw, 1315/16 • Sturgeon County Fire Service Bylaw, 1354/15 • <i>Forest and Prairie Protection Act</i> and Regulations
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment:</u></p> <p>Maintain and Enhance Strong Communities</p> <p><u>Organizational:</u></p> <p>Upholding this invoice as issued will ensure Council’s support of Protective Services efforts to enforce County bylaws as they relate to burning. Further it will maintain Council’s strong awareness and stance regarding burning issues and our County’s bylaws.</p> <p><u>Financial:</u></p> <p>None.</p>
<p>Alternatives Considered</p>	<ol style="list-style-type: none"> 1. Council could direct reduction in the invoice amount. 2. Council could direct the full amount of the invoice be waived.
<p>Implications of Alternatives</p>	<p><u>Strategic Alignment:</u></p> <p>Maintain and Enhance Strong Communities</p> <p><u>Organizational:</u></p> <p>Since 2010, various burning bylaw amendments have been made allowing Protective Services to take a stronger stance on unpermitted burning and failure to follow conditions of burn permits, not only through education but also through enforcement. Several other charges and invoices of this nature have been processed since the 2010 in accordance with County bylaws. Failure to uphold and or a reduction of this invoice may indicate that Council has changed their view and resolve regarding unpermitted burning or failure to follow burn permit conditions.</p> <p><u>Financial:</u></p> <p>None.</p>
<p>Follow up Action</p>	<ol style="list-style-type: none"> 1. Heritage Nurseries Ltd. (c/o Gerald van Bruggen) will be notified of Council’s decision (Legislative Services, December 2017).

2. Protective Services Manager to liaise with finance/administration to ensure process of invoice is finalized in accordance with Council direction (Protective Services, February 2018).

Attachment(s)

1. Fire Report
 2. Copy of Invoice dated November 7, 2016
 3. Copy of email dated January 27, 2017
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**Report Reviewed
by:**



Pat Mahoney, Manager of Protective Services/Fire Chief



Ian McKay, P. Eng., GM Municipal Services



Peter Tarnawsky, County Commissioner – CAO

Strategic Alignment Checklist

Vision: Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

Mission: Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

Focus Areas	Not consistent	N/A	Consistent
Strong Local Governance and Regional Leadership			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Consistent with neighborhood role (see MDP), master plans, policies</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers fiscal stability and sustainability</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Has a positive impact on regional and sub-regional cooperation</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Respect the Natural Environment			
<i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Compliance with Provincial and Federal regulations and/or legislation</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Ensure effective environmental risk management</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Identity & Spirit			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes and/or enhances residents' identification with Sturgeon County</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Enhances service provision through community partnerships</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Supports Sturgeon County's cultural history</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned Growth and Prosperity			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers cumulative costs and long-term funding implications</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Targets growth around current or planned infrastructure</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintain and Enhance Strong Communities			
<i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Positive impact on residents' quality of life</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Supports and promotes volunteer efforts</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Provides programs and services that are accessible to all residents</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<i>We have the organizational capability to deliver consistent and defined levels of service to all stakeholders in a professional, efficient, and cost effective manner</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Staff have the knowledge, skills and capability to perform their jobs</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Streamlines operational processes and policies</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes engagement and professional interaction with stakeholders</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>