

Bylaw No. 961/PS/2010

A BYLAW OF THE TOWN OF FAIRVIEW IN THE PROVINCE OF ALBERTA TO REGULATE FIRES AND BURNING WITHIN THE CORPORATE LIMITS OF THE TOWN OF FAIRVIEW

WHEREAS Pursuant to Section 7 of the *Municipal Government Act*, c. M-26. R.S.A. 2000 and amendments thereto, a council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS The Council of the Town of Fairview deems it proper to pass a bylaw to regulate fires and burning within the Town of Fairview; and

NOW THEREFORE The Council of the Town of Fairview in the Province of Alberta. Pursuant to authority conferred upon it by the *Municipal Government Act*, enacts as follows:

1. This bylaw may be cited as the *Fire Bylaw*.
2. In this bylaw:
  - 2.1 “Burnable Debris” means materials other than prohibited debris burned in accordance with the permit and all applicable statutes and bylaws including but not limited to materials such as:
    - 2.1.1 straw and stubble;
    - 2.1.2 grass and weeds;
    - 2.1.3 brush and fallen trees on newly cleared land or associated with logging operations as per the discretion of the Fire Chief or designate;
    - 2.1.4 leaves and trees.
  - 2.2 “Burning Permit” means a permit issued by the Fire Chief allowing the holder to have an Open Air Fire, Structure Fire, or Incinerator Fire, and issued in the form of Schedule “B” to this bylaw, or by a document similar thereto;
  - 2.3 “Council” means the Council of the Town of Fairview;
  - 2.4 “Designated Officer” means any designated officer of the Town of Fairview authorized to issue orders pursuant to Section 545 of the *Municipal Government Act*;
  - 2.5 “False Alarm” means any notification of the Fire Department or any Member therefore respecting the existence of a condition, circumstance, fire, or other event containing an imminent, serious danger to persons or property, wherein such condition, circumstance, fire or other event is, in fact, not in existence, and includes any automated notification provided by an alarm or security system, or notification by a security company;
  - 2.6 “Fire Chief” means the member appointed by Council as head of the Fire Department, and includes any individual designated to represent the Fire Chief in their absence;
  - 2.7 “Fireworks” means Firecrackers and Fireworks as defined in the *Alberta Fire Code, 2006*
  - 2.8 “Incinerator” means a non-combustible structure or container that has draft and smoke vents covered with a proper screen which is ventilated in such a manner as to prevent the escape of combustible materials including ash, and is used for the purpose of burning Burnable Debris;

- 2.9 “Incinerator Fire” means a fire burned completely within an Incinerator;
- 2.10 “Nuisance Smoke” means an unreasonable quantity of smoke that causes discomfort to adjacent landowners over a period of time or smoke that may impede visibility or vehicular or pedestrian traffic;
- 2.11 “Open Air Fire” means a fire that:
- 2.11.1 is not burned within an Incinerator, an Approved Fire Pit, or Public Park Site; and
  - 2.11.2 without limiting the generality of the foregoing, shall include grass fires, forest and brush fires, Running Fires, Structure Fires, wood scrap fires, ground thawing fire, chattel fires and fires involving humus soil. piles of coal, feed and straw;
- 2.12 “Peace Officer” means a member of the Royal Canadian Mounted Police, Bylaw Enforcement Officer or Special Constable as appointed by Council;
- 2.13 “Permanent Fire Pit” means a pit that is constructed, or requires some degree of excavation or use of permanent building materials. Such pit construction will require a development permanent as per the definition of “development” in S.616.b of the *Municipal Government Act* and the *Town of Fairview Land Use Bylaw*;
- 2.14 “Portable Fire Pit” means any fire pit or receptacle that does not require heavy construction to install. A Portable Fire Pit includes those that are pre-constructed and may be purchased at a retail outlet;
- 2.15 “Prohibited Debris” means any inflammable waste that when burned, may result in the release to the atmosphere of dense smoke, offensive odours to toxic substances as regulated, prohibited or controlled by the *Environmental Protection and Enhancement Act*, R.S.A. 2009, c. E-12 or regulations thereunder, or the *Alberta Fire Code*, 2006, including but not limited to:
- 2.15.1 animal cadavers;
  - 2.15.2 animal manure;
  - 2.15.3 pathological waste;
  - 2.15.4 paint and paint materials;
  - 2.15.5 non-wooden materials;
  - 2.15.6 combustible material in automobiles;
  - 2.15.7 used oil;
  - 2.15.8 tires, rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
  - 2.15.9 household refuse;
  - 2.15.10 wood or wood products containing substances for the purpose of preserving wood;
- 2.16 “Public Park Site Fire” means a fire on land owned or leased by the Town confined to an approved non-combustible container supplied by the Town for the purpose of Recreation Fires;
- 2.17 “Recreational Fire” means a confined fire for the purpose of cooking, obtaining warmth or viewing

pleasure. A Recreational Fire may only be fuelled with seasoned wood (not to exceed the equivalent of fifteen (15) litres in size), charcoal, natural gas or propane;

- 2.18 “Structure Fire” means any fire confined to and within any building, structure, machine or vehicle which will or is likely to cause the destruction of or damage to such building, structure. Machine or vehicle, excluding in Incinerator Fire;
- 2.19 “Town” means the Town of Fairview and, where the context requires, means the area contained within the corporate boundaries of the municipality;
- 2.20 “Unattended Fire” means any fire burning without being under the proper control or supervision of an adult person;
- 2.21 “Violation Tag” means a municipal tag issued pursuant to the authority of Section 7 of the *Municipal Government Act*;
- 2.22 “Violation Ticket” means a violation ticket under part 2 or part 3 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34

### 3 Fire Pits

- 3.1 All Fire Pits (both Permanent and Temporary) shall:
  - 3.1.1 be setback ten (10) feet / three (3) meters from fences, property lines and buildings;
  - 3.1.2 be located in the rear yard;
  - 3.1.3 be constructed of non-combustible materials, including a proper screen;
  - 3.1.4 not be constructed over any underground utilities or beneath overhead wires; and
  - 3.1.5 be constructed in accordance to any provincial and/or municipal codes or regulations.
- 3.2 No person shall construct or use a Fire Pit unless that Fire Pit is an Approved Fire Pit.
- 3.3 The issuance of a Fire Pit Permit shall be at the sole discretion of the Fire Chief, and the issuance of such a permit may be denied for any reason deemed appropriate in the opinion of the Fire Chief.
- 3.4 In addition to the Fire Pit requirements imposed by this Bylaw, the Fire Chief may impose any further conditions to a Fire Pit Permit deemed necessary in the opinion of the Fire Chief.

### 4 Open Air Fires

- 4.1 No person shall permit an Open Air Fire upon land owned, occupied or under his or her control within the Town, unless a Burning Permit has been obtained, the provisions and conditions of the Open Air Permit are complied with, and only Burnable Debris is burned.
- 4.2 No person or corporation shall light, ignite, start or cause to be made a fire in a receptacle commonly referred to as a “Burning Barrel”.

### 5 Recreational Fires

- 5.1 A Burning Permit shall not be required under this Bylaw to conduct a Recreational Fire in an Approved Fire Pit or in a Public Park Site provided:
  - 5.1.1 only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the burning area of an Approved Fire Pit below the proper screen;

- 5.1.2 the Approved Fire Pit is not used to burn Prohibited Debris;
  - 5.1.3 an acceptable and effective means of controlling or extinguishing the fire is available at the site of the fire or within a reasonable distance thereof; and
  - 5.1.4 an adult person is present at the site of where the fire is burning until such fire is fully extinguished;
- 5.2 All fires, including Open Air Fires, Recreational Fires, and Incinerator Fires, shall be contained to a reasonable size so that the fire, or any embers, sparks or smoke emanating there from does not endanger any person or property, cause any objectionable effect on nearby property, or create any Nuisance Smoke.

## 6 Fireworks

- 6.1 No person shall purchase or discharge Fireworks without a valid and subsiding Firework Permit from the Fire Chief.
- 6.2 A Firework Permit may only be issued for the purpose of a singular event.
- 6.3 Fireworks shall not be discharged while a Fire Ban is in effect.
- 6.4 The issuance of a Firework Permit shall be a the sole discretion of the Fire Chief, and the issuance of such a permit may be denied for any reason deemed appropriate in the opinion of the Fire Chief.
- 6.5 In addition to the conditions indicated in Schedule “C” to this Bylaw, the Fire Chief may impose any further conditions to a Firework Permit deemed necessary in the opinion of the Fire Chief.

## 7 Control of Fire Hazards

- 7.1 The Fire Chief may:
  - 7.1.1 issue a Burning Permit, Firework Permit or Fire Pit Permit to a person eighteen (18) years or older;
  - 7.1.2 issue such a Burning Permit, Firework Permit or Fire Pit Permit for use on any lands within the municipal boundaries of the Town of Fairview;
  - 7.1.3 direct the operations in respect of any Burning Permit, Firework Permit or Fire Pit Permit.
- 7.2 If, in the sole opinion of the Fire Chief or Peace Officer, a Permanent Fire Pit, and Portable Fire Pit or any other receptacle does not comply with this Bylaw or poses a fire hazard, the Fire Chief, the Fire Department or a Peace Officer may extinguish or have extinguished said fire and order the property owner or person responsible for the fire or fire receptacle to be relocated or have removed the Fire Pit receptacle or burning materials from the property.
- 7.3 The Fire Department or a Peace Officer is permitted to require a person to cease the discharging of fireworks in the interest of safety or a violation of the conditions of the permit.
- 7.4 A fire ban may be imposed by the Fire Chief or Deputy Fire Chief or in their absence, either the Mayor or in his or her absence the Deputy Mayor or the Chief Administrative Officer.
- 7.5 If a Designated Officer finds a condition that, in their opinion constitutes a fire hazard, they may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the fire hazard within a fixed time and in a manner prescribed by the Designated Officer.

- 7.6 When a Designated Officer finds that the order it made pursuant to Section 7.5 has not been carried out, the Town may enter on the land with any equipment and any person it considers necessary and perform the work required to eliminate or reduce the fire hazard.

8 Recovery of Costs

- 8.1 Where an offence has been committed or where the Fire Department has taken any action for which a fee is payable under Schedule "A", such fee shall be paid upon the taking of such action or within a reasonable time thereafter if, in the circumstances, it is impractical to pay or receive the fee at the time such action is taken;
- 8.2 Where Fire Services has extinguished a fire or responded to an incident within or outside the Town for the purpose of preserving life or property from injury or destruction by such incident. including and such action taken by the Fire Department on a False Alarm, the Fire Chief may in respect of any costs incurred by Fire Services in taking such action, charge any costs so incurred by the Fire Department to:
- 8.2.1 the person who caused the incident;
  - 8.2.2 the owner of the land or the person in possession where the incident occurred;
  - 8.2.3 the owner of the property involved where the incident does not occur on privately owned land.
- 8.3 In the event that the owner or occupant of any land within or outside the Town shall feel aggrieved by any action taken by the Fire Department pursuant to Sections 8.1 or 8.2 of this Bylaw, such owner or occupant shall have a period of thirty (30) days from the date of notice of action mailed by the Fire Department, to appeal to Council against the action. The decision of Council on such appeal shall be final and binding upon the owner or occupant of the land and will not be subject to any further appeal.
- 8.4 In respect of the costs or fees described in Section 8.1 and 8.2:
- 8.4.1 in the case of action taken by the Fire Department in respect of land outside of the Town, Council may recover such costs or fees as a debt due and owing to the Town, or
  - 8.4.2 in the case of action taken by the Fire Department in respect of land within the Town where the cost or fee is not paid upon demand by the Town, then in default of payment, such costs or fee may be charged against the land as taxes due and owing in respect of that land.

9 Offences

- 9.1 Where a fire is lit under the circumstances prohibited by Section 4 or 5, the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
- 9.1.1 extinguish the fire immediately; or
  - 9.1.2 where her or she is unable to extinguish the fire immediately, report the fire to the Fire Department.
- 9.2 No person shall kindle a fire and allow it to produce Nuisance Smoke on any land or property, the property of another, or any public highway.
- 9.3 No person or persons shall either directly or indirectly, cause to be reported a False Alarm.

- 9.3.1 Where a False Alarm has been given by an alarm or security system, or a security company, the owner or occupant of the premises from where that False Alarm originated shall be deemed to have contravened this section.
- 9.4 No person shall impede, obstruct or hinder the Fire Chief or a member of the Fire Department or other persons assisting or acting under the direction of the Fire Chief or the member of the Fire Department in charge at any incident.
- 9.5 No person shall damage or destroy Fire Department apparatus or equipment.
- 9.6 No person shall drive a vehicle over any fire apparatus, hose, or equipment without the permission of the Fire Chief or the member of the Fire Department in charge at any incident.
- 9.7 No person shall falsely represent themselves as a member of the Fire Department or wear or display the Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.
- 9.8 No person shall obstruct or otherwise interfere with access to any fire alarm, fire hydrant, cistern or body of water designated for fire-fighting purposes or other connections provided to a fire main, pipe, stand pipe or sprinkler system.
- 9.9 No person shall deposit, discard or leave any burning material or substance where it may ignite other material and cause a fire.
- 9.10 When applying for a Burning Permit, Fireworks Permit or Fire Pit Permit, no person shall knowingly provide false information with respect to their application.
- 9.11 No person shall ignite, allow, maintain or permit an Unattended Fire.
  - 9.11.1 Where a fire becomes an Unattended Fire, the person who ignited that fire is guilty of an offence under Section 9.11 unless it can be shown that the person took all reasonable steps to ensure that the fire did not become an Unattended Fire.
  - 9.11.2 No person shall burn, or allow to be burned, any Prohibited Debris.

## 10 Violation Tags

- 10.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person, whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 10.2 A Violation Tag may be issued to such person:
  - 10.2.1 personally;
  - 10.2.2 by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
  - 10.2.3 by leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
- 10.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - 10.3.1 the name of the Person to whom the Violation Tag is issued;
  - 10.3.2 a description of the offence and the applicable Bylaw Section;

- 10.3.3 the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - 10.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
  - 10.3.5 any other information as may be required by the Chief Administrative Officer.
- 10.4 Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Violation Tag.

## 11 Violation Tickets

- 11.1 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket, pursuant to Part II of the *Provincial Offences Procedure Act*, to the person to whom the Violation Tag was issued.
- 11.2 Notwithstanding Section 11, a Peace Officer may immediately issue a Violation Ticket to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 11.3 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 11.4 The person to whom the Violation Ticket has been issued may plead guilty by making a 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 Schedule "A" of this Bylaw.
- 11.5 When a clerk records in the Court records the receipt of a voluntary payment pursuant to Section 11.4 and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
- 11.6 Notwithstanding Sections 11.4 and 11.5 above, a Peace Officer may issue a Violation Ticket without listing a specified penalty, and require that the person charged makes a mandatory court appearance.

## 12 Penalties

- 12.1 The specified penalties for breaches of this Bylaw are set out in Schedule "A" hereto;
- 12.2 A person who fails to comply with any provision contained in this bylaw is guilty of an offence and is liable on summary conviction to imprisonment to a term of not more than 6 months or a fine of not more than \$2500.00 or to both a fine and imprisonment;

13 Bylaw No. 816/PS/98 is hereby repealed.

14 This bylaw shall come into effect on the date of its final passing.

READ A FIRST TIME this 1<sup>st</sup> day of June, A.D. 2010

**Signatures on original**

\_\_\_\_\_  
Mayor Lloyd Campbell

**Signatures on original**

\_\_\_\_\_  
CAO Martin Taylor

READ A SECOND TIME this 3rd day of August, A.D. 2010

**Signatures on original**

\_\_\_\_\_  
Mayor Lloyd Campbell

**Signatures on original**

\_\_\_\_\_  
CAO Martin Taylor

READ A THIRD TIME AND FINALLY PASSED this 7th day of September, A.D. 2010

**Signatures on original**

\_\_\_\_\_  
Mayor Lloyd Campbell

**Signatures on original**

\_\_\_\_\_  
CAO Martin Taylor



SCHEDULE "A"  
of Bylaw No. 961/PS/2010  
Town of Fairview

I. SPECIFIED PENALTIES FOR OFFENCES

<i>Provision Contravened</i>	<i>Description of Offence</i>	<i>Specified Penalty</i>
3.2	Use or Construction of Fire Pit without Permit	\$150
4.1	Failure to Obtain Permit/Comply with Conditions for Open Air Fire	\$200, plus all costs of extinguishment
4.2	Fire in "Burning Barrel"	\$300
5.1	Recreational Fire Not Compliant with Requirements	\$200
6.1	Purchase or Discharge of Fireworks without Permit	\$300
6.3	Discharge Fireworks during Fire Ban	\$300
7.4	Fire During Fire Ban	\$300
9.1	Failure to Extinguish or Report Fire	\$150
9.2	Fire Producing Nuisance Smoke	\$250
9.3	Cause to be reported a False Alarm	\$75 First Offence \$200 Second Offence \$300 All Subsequent Offences
9.4	Obstruct Chief or Member of Fire Department	\$200
9.5	Damage or Destroy Fire Department Apparatus or Equipment	\$1500
9.6	Drive Vehicle over Fire Apparatus or Fire Hose	\$500
9.7	Falsely Represent Fire Department Member	\$250

9.8	Obstruct or Interfere with Fire Equipment	\$200
9.9	Deposit/Leave Items Creating Ignition Hazard	\$200
9.10	False Information on Application for Permit	\$200
9.11.1	Allow Unattended Fire	\$300
9.11.2	Burn Prohibited Debris	\$300

## II. CHARGES AND FEES

### Emergency and Incident Responses:

Rescue Vehicle and Crew	\$400/hr
Pumper Truck and Crew	\$400/hr
Ladder Truck and Crew	\$400/hr
Command Vehicle and Crew	\$100/hr

Fireworks Permit	\$25
Burning Permit	\$10
Fire Pit Permit	\$15

SCHEDULE "B"  
of Bylaw No. 961/PS/2010

**BURNING PERMIT  
for Open Air Fires**

NAME OF APPLICANT \_\_\_\_\_ Phone# \_\_\_\_\_

Legal Description \_\_\_\_\_

Municipal Address \_\_\_\_\_

Type and description of material to be used for the pit:

\_\_\_\_\_  
\_\_\_\_\_

**CONDITIONS**

1. It is the responsibility of the applicant to be familiar and abide by the requirements of this Permit and Bylaw.
2. Materials burned must only be burnable debris as outlined in the *Open Burning Bylaw*.
3. At the time of burning, wind speed (including gusts) must not exceed 20km/h.
4. At least one responsible adult must be in attendance of the burn.
5. Provisions must be made for adequate extinguishment.
6. Proper consideration has been taken to not create a smoke nuisance or hazard to neighbouring properties, persons, roadways or traffic

The Permit Holder agrees to pay the costs of fighting all fires caused by willful or negligent violation of any condition set out in this permit and accompanying bylaw. I have read and fully understand the information of this fire permit:

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Fire Chief/Designate

\_\_\_\_\_  
Date

**Effective Date:**

**Expiration Date:**

SCHEDULE "C"  
of Bylaw No. 961/PS/2010

**FIREWORK PERMIT**

NAME OF APPLICANT \_\_\_\_\_ Phone# \_\_\_\_\_

Legal Description \_\_\_\_\_

Municipal Address \_\_\_\_\_

Type and description of fireworks display:

\_\_\_\_\_  
\_\_\_\_\_

**CONDITIONS**

1. It is the responsibility of the applicant to be familiar and abide by the requirements of this Permit and Bylaw, as well as Provincial and Federal regulations.
2. At the time of discharge, wind speed (including gusts) must not exceed 45km/h.
4. Fireworks may only be purchased, possessed, handled or discharged by an individual over the age of 18.
5. Provisions must be made fore adequate extinguishment.

The Permit Holder agrees to pay the costs of fighting all fires caused by willful or negligent violation of any condition set out in this permit and accompanying bylaw. I have read and fully understand the information of this permit:

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Fire Chief/Designate

\_\_\_\_\_  
Date

**Effective Date:**

**Expiration Date:**

SCHEDULE "D"  
of Bylaw No. 961/PS/2010

**FIRE PIT PERMIT**

NAME OF APPLICANT \_\_\_\_\_ Phone# \_\_\_\_\_

Legal Description \_\_\_\_\_

Municipal Address \_\_\_\_\_

Type and description fire pit (include materials):

\_\_\_\_\_  
\_\_\_\_\_

Location of Proposed Fire Pit:

**CONDITIONS**

1. It is the responsibility of the applicant to be familiar and abide by the requirements of this Permit and Bylaw, as well as Provincial and Federal regulations.
2. Provisions must be made for adequate extinguishment.

The Permit Holder agrees to pay the costs of fighting all fires caused by willful or negligent violation of any condition set out in this permit and accompanying bylaw. I have read and fully understand the information of this permit:

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Fire Chief/Designate

\_\_\_\_\_  
Date

**Effective Date:**