

Bylaw No.1776

A Bylaw of The Municipal District of Willow Creek No. 26, in the Province of Alberta to provide for the issuance and suspension of a fire permit and the implementation of a fire ban.

WHEREAS Sections 7 and 8 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 provides that Council may pass bylaws for preventing, extinguishing, regulating, controlling or prohibiting the lighting of fires, for the health, safety and welfare of people and protection of property and the environment, and

WHEREAS the *Forest and Prairie Protection Act* R.S.A. 2000, Chapter F-19 grants certain additional powers to The Municipal District of Willow Creek No. 26, Council may pass bylaws for the prevention of prairie or running fires and for the enforcement of the provisions of the *Forest and Prairie Protection Act*; and

WHEREAS the *Soil Conservation Act* R.S.A. 2000, Chapter S-15 provides that The Municipal District of Willow Creek No. 26 is responsible for enforcing the provisions of the legislation regarding soil loss or degradation within The Municipal District of Willow Creek No. 26;

NOW THEREFORE the Council of The Municipal District of Willow Creek No. 26, in session duly assembled, hereby enacts as follows:

SECTION 1 - DEFINITIONS

1.1 In this Bylaw:

- (a) "Acceptable Fire Pit" means an outdoor receptacle that meets the following specifications:
 - i) the fire pit shall be constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components;
 - ii) the maximum external dimension of the fire pit shall not be greater than 1 meter (3.28 feet);
 - iii) the fire pit height shall not exceed .6 meters (2 feet) when measured from the surrounding grade to the top of the pit opening;
 - iv) a fire pit shall not be located closer than 5 meters (16.5 feet) from a property line and from any combustible material, including, but not limited to, buildings, structures, fences, patio decks and foliage;
 - v) a fire pit shall be surrounded by a fire guard constructed of noncombustible material extending not less than 2 meters (6.5 feet) in all directions from the fire pit;
 - vi) a fire pit shall not be located less than 0.6 meters (2 feet) laterally from an underground utility line;
 - vii) only wood, charcoal briquettes, propane or natural gas fuels shall be used in a fire pit;
 - viii) flame height shall not exceed 1 meter (3.28 feet) above the fire pit; and
 - ix) fire pits, when burning, shall be supervised at all times by a responsible adult person with adequate means to extinguish the fire. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire;
- (b) "Acceptable Fireplace" means an outdoor receptacle that meets the following specifications:

- ii) the fireplace shall be constructed of materials, such as bricks or rocks, that are heat and flame resistant;
 - iii) the fireplace shall be equipped with a chimney that is not less than 2.5 meters (8.25 feet) in height when measured from the base of the fire burning area;
 - iv) the fireplace chimney shall be equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - v) the base of the fire burning area shall be not less than .3 meters (1 foot) above the surrounding grade; and
 - vi) the fire chamber does not exceed 1.25 meters (4 feet) in width, and is at least .4 metres (1.3 feet) but not more than .6 metres (2 feet) in depth.
- (c) "Acceptable Incinerator" means a receptacle that is a non-combustible structure, container or barrel with openings that meets the following specifications;
- i) a minimum of 5 meters (16.5 feet) clearance from buildings, property lines and combustible materials, or as approved by Emergency Services Manager or his or her designate;
 - ii) constructed of bricks or concrete blocks, or heavy gauge metal (18 gauge minimum), or other suitable non-combustible components;
 - iii) structures, containers or barrels shall be integrally sound with no sections noticeably thinned due to the oxidizing actions of the fire nor shall there be holes in the structure, container or barrel caused by oxidation of the material;
 - iv) has a spark arrestor mesh screen of 13 millimetres (.50 inches) expanded metal (or equivalent) to contain sparks over the fire at all times;
 - v) fires contained shall be supervised at all times by a responsible adult person with adequate means to extinguish the fire until such time that fire has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire;
 - vi) only wood, charcoal briquettes, propane or natural gas fuels shall be used to burn refuse; and
 - vii) flame height does not exceed 1 meter (3.28 feet) above the incinerator.
- (d) "Burning Barrel" – see definition of "Acceptable incinerator".
- (e) "Burnable Debris" as defined by the Substance Release Regulation -AR 124/93, pursuant to the *Alberta Environmental Protection and Enhancement Act*, means all combustible waste other than prohibited debris and includes, but is not limited to:
- i) straw and stubble;
 - ii) grass and weeds;
 - iii) leaves and tree prunings;
 - iv) brush and fallen trees on newly cleared land or associated with logging operations;
 - v) used power, telegraph and telephone poles that do not contain wood preservatives;
 - vi) wooden material from the construction or demolition of buildings which does not contain wood preservatives;

- vii) solid waste from sawmills or planing mills with an annual production of less than 9500 cubic metres of lumber;
 - viii) solid waste from post and pole operations that does not contain wood preservatives; and
 - ix) solid waste from tree harvesting operations.
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- (f) "Class A Materials" – See "Burnable debris".
 - (g) "Community Peace Officer" means a person appointed under Section 36 of the *Police Act* R.S.A. 2000 Chapter P-17.
 - (h) "Council" means the Council of The Municipal District of Willow Creek No. 26.
 - (i) "Designate" means any person employed by the Municipality authorized by the Fire Guardian to issue burning permits.
 - (j) "Emergency Services", either internally provided or externally contracted, means fire, rescue, ambulance, community peace officer, R.C.M.P. or other services tasked to respond to emergencies.
 - (k) "Emergency Services Manager" means the person appointed as the head of Emergency Services or his or her designate.
 - (l) "Equipment" means any vehicle, tool, contrivance, device or material used by a fire department to combat a fire incident or other emergency.
 - (m) "Fire" means any combustible material in a state of combustion.
 - (n) "Fire Ban" means a provincial ministerial order or the enactment of this municipal Fire Ban Bylaw which cancels all fire permits, prohibits the lighting or requires the extinguishment of a fire.
 - (o) "Fire Guardian" means a person duly appointed by the Council to act under the provisions of the *Forest and Prairie Protection Act*, the *Soil Conservation Act* and this bylaw including but not limited to the Emergency Services Manager or his or her designate, the Agricultural Fieldman and the Superintendent of Public Works or his or her designate.
 - (p) "Fire Permit" means a permit issued by an individual authorized by the Municipality to do so pursuant to this Bylaw to allow for the setting of outdoor fires, structure fires or incinerator fires within the Municipality.
 - (q) "Fire Protection" means all aspects of fire safety, including but not limited to, fire prevention, firefighting or suppression, pre-fire planning, fire inspection, fire investigation, public education and information, or emergency services training.
 - (r) "Fireworks" shall be defined as per the definition of fireworks in the Alberta Fire Code.
 - (s) "Incident" means a fire or emergency situation or where an explosion is imminent, or any other situation where there is a danger or a possible danger to life or property or both and to which the Emergency Services has responded.
 - (t) "Incinerator Fire" means a fire that is confined within a non-combustible structure; container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 13 millimeters (.50 inches) and is used for the purpose of burning clean Class A materials such as garden debris, wood and paper.
 - (u) "Municipality" means The Municipal District of Willow Creek No. 26.

- (v) "Neighbour" means a person who is an owner, renter or person otherwise authorized by an owner of privately owned land adjacent to property to where it is alleged an offence has occurred.
- (w) "Outdoor Fire" means any fire other than that defined as an incinerator fire or structure fire and shall include fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator. A fire contained in an outdoor fireplace, fire pit or incinerator without the required metal spark arrestor screen shall be deemed to be an outdoor fire.
- (x) "Outdoor Fireplace" means a fireplace installed to the standards of the Alberta Building Code, as amended, and is located on the exterior of a building.
- (y) "Owner" means a person who:
 - i) holds himself or herself to be a person having the powers and authority of ownership or who currently exercises the powers and authority of ownership over the property;
 - ii) is registered as the Owner of the property pursuant to the *Land Titles Act*;
 - iii) has purchased or otherwise acquired the property, either directly from a previous owner or from another purchaser and has not yet registered ownership; or
 - iv) is listed as the Owner of the Property on the current assessment roll.
- (z) "Permit Holder" means the Owner of the lands to which the issuance of a fire permit applies.
- (aa) "Permit Issuer" means a municipal employee who has been authorized to issue burning permits within the municipal boundaries.
- (bb) "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- (cc) "Portable Barbecue Device" means any appliance sold or constructed for the sole purpose of cooking food outdoors, normally fueled by liquefied petroleum gas (LPG), natural gas, compressed briquettes or charcoal.
- (dd) "Prohibited Debris", as defined by the Substance Release Regulation - AR-124/93, pursuant to the *Alberta Environmental Protection and Enhancement Act*, means any combustible waste, that when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances and includes, but is not limited to:
 - i) animal cadavers;
 - ii) animal manure;
 - iii) pathological waste;
 - iv) non-wooden material;
 - v) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
 - vi) combustible materials in automobile bodies;
 - vii) tires;
 - viii) rubber or plastic or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;

- ix) solid waste from sawmills or planing mills with an annual production in excess of 9500 cubic meters of lumber; or
 - x) used oil, wood or wood products containing substances for the purpose of preserving wood.
- (ee) "Property" means any real or personal property which, without limiting the generality of the foregoing, includes land, buildings or structures.
- (ff) "Recreational Fire" means an outdoor fire of relatively short duration confined to a noncombustible container, in municipal, provincial, federal or private campgrounds and parks where outdoor fireplaces, fire pits and stoves have been approved by the Emergency Services Manager or his or her designate. These fires will be set for recreational, cultural or theatrical purposes including the purpose of cooking, obtaining warmth or viewing for pleasure. These fires may only be fueled with seasoned wood, charcoal, natural gas or propane.
- (gg) "Restricted Burn Area" means an area within the Municipality as designated by the Emergency Services Manager or his or her designate or by Council.
- (hh) "Running Fire" means a fire burning without being under the proper control of any person.
- (ii) "Smudge Fire" means a fire contained within a noncombustible structure or container set on land of .8 hectares (two acres) or more in area for the purpose of protecting livestock from insects or for protecting garden plants from frost. Requirements for "smudge fires" are as per those designated for "Acceptable Incinerators".
- (jj) "Soil Conservation Officer" means the person(s) appointed by the Municipality under the *Soil Conservation Act*, RSA 2000, Chapter S-15.
- (kk) "Specified Penalty" means a penalty specified in the Schedule 'A' which may be paid in response to a violation ticket, for an alleged offence of any section of this bylaw.
- (ll) "Structure Fire" means a 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.
- (mm) "Stubble" means any harvested or unharvested herbaceous plants or plant parts, standing, spread or in swathed windrows grown on land.
- (nn) "Stubble Burning Permit" means a permit issued by a Soil Conservation Officer to burn stubble.
- (oo) "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw and shall be a Part 2 ticket as prescribed in the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34.

SECTION 2 - FIRE GUARDIANS

- 2.1 The Council shall appoint a Fire Guardian(s) to enforce the provisions of the *Forest and Prairie Protection Act*, the *Soil Conservation Act* and this Bylaw, within the boundaries of the Municipality.

SECTION 3 - POWERS OF FIRE GUARDIANS

- 3.1 Each Fire Guardian shall have the authority and power to:

- a) issue a Fire Permit, to an Owner, in respect of any land within the Municipality;
- b) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian or his or her designate considers appropriate;
- c) decide whether an inspection of the burn site is warranted prior to the decision to issue or not issue a burning permit;
- d) suspend or cancel at any time, a Fire Permit and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to his or her permit;
- e) refuse issuance of permit on reasonable and probable grounds that a risk to public safety may exist for the proposed fire;
- f) inspect property where a request for a permit for an outdoor fire has been received and impose conditions upon the applicant which the Fire Guardian considers appropriate; and
- g) enforce the provisions of the *Forest and Prairie Protection Act*, the *Soil Conservation Act* and this Bylaw within the boundaries of the Municipality.

SECTION 4 - FIRE PERMITS

- 4.1 In addition to any Fire Permit required under the *Forest and Prairie Protection Act*, or under the *Soil Conservation Act* R.S.A. 2000 Chapter S-15, Fire Permits shall be required under this Bylaw at a nil fee.
- 4.2 Notwithstanding clause 4.1 of this Section, any fire permit issued pursuant to the *Forest and Prairie Protection Act* or the *Soil Conservation Act* R.S.A. 2000, chapter S-15 shall be deemed for all purposes to be a fire permit issued pursuant to this Bylaw.
- 4.3 Fire Permits issued pursuant to this Bylaw are valid for a period of time determined by the Fire Guardian issuing the permit, but in any case shall not exceed fourteen (14) days, and the Fire Permit shall state the period of time for which the Fire Permit is valid.
- 4.4 The Permit Holder shall have a copy of the Burning Permit at the fire location and shall be able to produce it upon request by a Fire Guardian or member of a fire department, acting in the performance of his or her duties.
- 4.5 Each application for a Fire Permit must contain the following information:
 - a) the name and address of the applicant;
 - b) the name and address of the Owner of the Property upon which the applicant proposes to set a fire;
 - c) the legal description of the land on which the applicant proposes to set a fire;
 - d) the type and description of material which the applicant proposes to burn;
 - e) the period of time the Fire Permit is valid;
 - f) the precautions that will be taken by the applicant to ensure the proposed fire remains under his or her control;
 - g) the signature of the applicant;
 - h) a Fire Incident Number as issued at the time the named applicant reports their Controlled Burn to the Fire Dispatch Centre; and
 - i) the signature of the Fire Guardian issuing the Fire Permit.
- 4.6 Where an emergency or a potential emergency exists, the Emergency Services Manager or his or her designate shall be empowered to suspend

all Structural Fires, Incinerator Fires, Outdoor Fires, Recreational Fires, barbeque pit Fires, or Smudge Fires within all or a portion of the Municipality for such a period of time and on such conditions as may be determined by the Emergency Services Manager or his or her designate.

4.7 A fire permit shall not be transferable to any other person.

SECTION 5 - EMERGENCY SERVICES

5.1 Emergency Services shall be responsible for carrying out such duties, obligations and responsibilities as assigned by Council and the Emergency Services Manager, including but not limited to:

- a) Preventing and extinguishing fires;
- b) Investigating the cause and source of fires;
- c) Preserving and protecting life, property, and the environment from injury or destruction by fire;
- d) Preventing prairie or running fires and enforcing the provisions of the *Forest and Prairie Protection Act*;
- e) Preventing, combating and controlling incidents involving dangerous goods; and
- f) Extinguishing open fires during a Fire Ban.

SECTION 6 – POWERS OF THE EMERGENCY SERVICES MANAGER

6.1 The Emergency Services Manager or his or her designate, shall impose a full Fire Ban, a partial Fire Ban or a suspension of the issuance of Fire Permits, or the cancellation of existing Fire Permits, in the Municipality in whole or in part, when in his or her professional opinion, the Fire Ban or suspension is deemed necessary.

6.2 The Fire Ban or suspension of the issuance of Fire Permits, or the cancellation of existing Fire Permits shall remain in effect until lifted by the Emergency Services Manager or his or her designate.

SECTION 7 - EXEMPTIONS

A Fire Permit is not required for the following, under this Bylaw however, items 7.1 to 7.9 are subject to a fire ban:

- 7.1 An "Acceptable Fire Pit" and the Fire contained therein provided the Fire Pit meets the definition in this Bylaw;
- 7.2 An "Acceptable Incinerator" and the Fire contained therein provided the Incinerator meets the definition in this Bylaw;
- 7.3 An "Acceptable Fireplace" and the Fire contained therein provided the Fireplace meets the definition in this Bylaw;
- 7.4 Cooking of food using a "Portable Barbecue Device";
- 7.5 "Recreational Fires" or Campfires for cooking or warming in municipal, provincial or private campgrounds and parks;
- 7.6 Burning of a Smudge Fire confined within a non-combustible receptacle set on property of 0.8 hectares (two acres) or larger, for the purpose of repelling insects from animals or preventing frost in an orchard or garden;
- 7.7 Burning by the resident Fire Departments for the purpose of training;
- 7.8 Burning by the Fire Department or by Alberta Environmental Protection for the purpose of fire hazard abatement;

- 7.9 The installation and operation of an Outdoor Fireplace or Outdoor Incinerator;
- 7.10 Process flare systems for natural gas and other petroleum related facilities governed by regulations and operating under approved guidelines issued by the Alberta Energy and Utilities Board or by Alberta Environment;
- 7.11 Industrial or Commercial incinerator required to be licensed under the *Alberta Environmental Protection and Enhancement Act*.

SECTION 8 - OFFENCES

- 8.1 No person shall contravene any provision(s) of this Bylaw.
- 8.2 No person shall light an Outdoor Fire or a Structure Fire unless they are the holder of a subsisting Fire Permit if required under this Bylaw or the *Forest and Prairie Protection Act* or both.
- 8.3 No person shall allow an Outdoor Fire or a Structure Fire to be lit upon land that is owned or occupied by him or her or under his or her control except when such fire is permitted pursuant to the Bylaw.
- 8.4 No person shall ignite or permit to be ignited a Fire on the Property of another without the written consent of the Owner of the Property.
- 8.5 No person shall deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire.
- 8.6 When a Fire is lit that does not meet the conditions imposed by this Bylaw, the Owner or occupier of the land or the person having control of the land 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 9-1-1.
 - c) be liable to prosecution under summary conviction and costs incurred by the Municipality to respond, suppress and extinguish the fire. 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 land not his or her own property or allow a Running Fire to pass from his or her own property to the property of another;
 - d) not light an Outdoor Fire, Structure Fire, Incinerator Fire, barbeque/fire pit or Smudge Fire without first taking sufficient precaution to ensure the Fire can be kept under control at all times.
- 8.7 No person shall place "Prohibited Debris" into a Fire.
- 8.8 No person shall light an Outdoor Fire, Structure Fire, Incinerator Fire, barbecue fire pit Fire, or Smudge Fire during a municipal or provincial Fire Ban pursuant to the *Forest Prairie Protection Act*.
- 8.9 No person shall light an Outdoor Fire, Structure Fire, Incinerator Fire, barbecue/pit Fire, or Smudge Fire during a municipal or provincial fire ban pursuant to the *Forest and Prairie Protection Act* and let it become a Running Fire on any land not his or her own property, or allow a Running Fire to pass from his or her own property to the property of another.
- 8.10 No person shall obstruct an Emergency Services Manager, Community Peace Officer, or Fire Guardian in the performance of their duties pursuant to this Bylaw or the *Forest Prairie Protection Act*. Obstruction includes failure to provide access to property and failure to provide information as to identity of individuals.
- 8.11 No person shall provide false, incomplete or misleading information to the Municipality, with respect to, a Burning Permit or Burning Permit application.

- 8.12 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 neighbouring person(s) or property.
- 8.13 No person shall conduct any activity that involves the use of a Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any public highway or roadway.
- 8.14 No person shall allow property which he or she owns or occupies to become a fire hazard through either:
- a) permitting the accumulation of rubbish or noxious, offensive or unwholesome matter of a combustible nature to collect or accumulate around their premises;
 - b) lack of maintenance to the property or the structures upon it; and
 - c) any other contravention of municipal, provincial or federal regulations.
- 8.15 No person shall discharge, fire or set off fireworks unless authorized in writing by the Emergency Services Manager or his or her designate.

SECTION 9 - FIRE BANS

- 9.1 From time to time as conditions dictate the Municipality may impose a full or restricted ban upon open fires including fireworks and/or suspend the issuing of Fire Permits.
- 9.2 Fire Bans and suspension of permits shall be imposed and lifted by the Emergency Services Manager or his or her designate.
- 9.3 When a Fire Ban is imposed the Municipality shall post the Fire Ban information on the municipal website, social media and on a local radio station.

SECTION 10 - PENALTIES

- 10.1 Any person who fails to hold a current Fire Permit when one is required under this Bylaw is guilty of an offence and is liable to a summary conviction fine as prescribed in Schedule 'A'.
- 10.2 In addition to penalties imposed in Schedule A of this Bylaw, Emergency Services fees for the extinguishing, controlling or managing of any Fire started, without benefit of a Fire Permit, during a Fire Ban shall be charged against the Owner of the lands upon where the Fire is located.
- 10.3 Any Council appointed policing agent or the R.C.M.P. is authorized to enforce this Bylaw under Sec. 7 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26 if there is reasonable and probable grounds to believe a person has contravened any section of this Bylaw and under the authority of the *Provincial Offences Procedure Act* may issue a Part 2 violation ticket to that person.
- 10.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by an R.C.M.P. or Community Peace Officer in respect of each day or part of each day on which the contravention continues.
- 10.5 Where the Municipality has taken any action for the purpose of extinguishing a Fire or responding to a fire call or incident in or outside the Municipality or for the purpose of preserving life or property from injury or destruction by Fire or other incident on land within or outside the Municipality, including any action taken on a false alarm, the Municipality may charge any costs so incurred to the Owner of the land in respect of which the action was taken.
- 10.6 The costs and fees to be charged by the Municipality for services rendered pursuant to this By-law shall be determined by Council as set out in the Fees Bylaw.

- 10.7 In the event the Owner shall feel aggrieved by an action taken by the Municipality pursuant to Section 8, the Owner shall be granted a period of thirty (30) days from the date of mailing of notice of the action to appeal to Council the action taken.
- 10.8 The decision of Council on an appeal shall be final and binding upon the Owner and shall not be subject to any further appeal to the Council.
- 10.9 In the event the amount levied by the Municipality shall not be paid within ninety (90) days after the mailing of a notice by the Municipality or in the event of an appeal, within ninety (90) days of the date of mailing of the decision of Council on the appeal, the amount levied and unpaid shall be charged against the land upon which the Fire was started as taxes due and owing in respect of the land.
- 10.10 In respect of any costs or fees levied or charged under this Bylaw:
 - a) the Municipality may recover such costs of fees due and owing to the Municipality 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 553(1)(c) and (g), add the amounts due to the tax roll of the land parcel.

SECTION 11 - NOTICE

- 11.1 Any notice provided for in this Bylaw shall be in writing.
- 11.2 Service of any notice provided for in this Bylaw may be made as follows:
 - a) personally upon the Person to be served; or to any person receiving it on his or her behalf; or
 - b) by mailing the copy to the Person to be served to the last known post office address of the Person to be served, and service shall be deemed effective seven (7) days from the date of mailing;
 - c) where the Property is not occupied, by mailing the notice by regular mail to the mailing address noted on the municipal tax roll for the Property, and service shall be deemed effective seven (7) days from the date of mailing; or
 - d) as directed by the Court.

SECTION 12 - LIABILITY

- 12.1 The Municipality together with their respective officials, officers, employees, representatives, contractors and agents are not liable for loss or damage caused by anything said, done, omitted or to be done in the performance or intended performance of their functions, duties or powers unless said individual was dishonest, grossly negligent or guilty of willful misconduct.

SECTION 13 - SEVERABILITY

- 13.1 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.

Received a first reading this 16th day of August, 2017.

Received a second reading this 16th day of August 2017.

Received a third reading and finally passed this 16th day of August, 2017.


Reeve


Chief Administrative Officer

SCHEDULE 'A'
OF BYLAW 1776

Fines Specific to the Fire Permit Bylaw

WHEREAS, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, being Chapter P-34 of the Revised Statutes of Alberta, 2000, and amendments thereto and under the provisions of Section 7 of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Council of a municipality may by Bylaw provide for the payment of violation tickets or summons out of court. A notice of form (commonly called a violation ticket) may be issued by any Council appointed policing agent to any person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regards to the payment. Amounts are expressed in dollars.

		First Offence	Second Offence	Subsequent Offence
Section 8.2	Light an Outdoor Fire or a Structure Fire, including Fireworks, without a subsisting Fire Permit if required under this Bylaw or the <i>Forest and Prairie Protection Act</i> (supra) or both.	100	500	1,000
Section 8.3	Allow an Outdoor Fire or a Structure Fire to be lit upon land that is owned or occupied by him or her or under his or her control except when such fire is permitted pursuant to this Bylaw.	100	500	1,000
Section 8.4	Ignite or permit to be ignited a Fire on the Property of another without the written consent of the Owner of the Property	100	500	1,000
Section 8.5	Deposit, discard or leave any burning matter or substance where it might ignite other materials and cause a Fire	100	500	1,000
Section 8.6a	Failure to extinguish an illegal fire immediately,	500	5,000	10,000
Section 8.6b	Unable to extinguish the illegal fire, failure to immediately report the fire to 9-1-1.	500	5,000	10,000
Section 8.6c	Ignite any fire, either directly or indirectly, personally or through an agent, servant or employee, and let it become a Running Fire on any land not his own property, or allow a Running Fire to pass from his or her own property to the property of another.	500	5,000	10,000
Section 8.6d	Light an Outdoor Fire, a Structure Fire, an Incinerator Fire, barbeque/fire pit or a Smudge Fire without taking sufficient precaution to ensure the Fire can be kept under control at all times.	250	2,000	10,000
Section 8.7	Place "Prohibited Debris" within a Fire.	250	5,000	10,000
Section 8.8	Light an Outdoor Fire, a Structure Fire, Incinerator Fire, barbecue/fire pit, or a Smudge Fire during a municipal or provincial fire ban pursuant to the <i>Forest and Prairie Protection Act</i> or during a period in which fire permits are suspended.	1,000	5,000	10,000

Section 8.9	Light an Outdoor Fire, a Structure Fire, Incinerator Fire, barbecue/fire pit fire or a Smudge Fire during a municipal or provincial fire ban pursuant to the <i>Forest and Prairie Protection Act</i> and let it become a Running Fire on any land not his own property, or allow a Running Fire to pass from his or her own property to the property of another.	5,000	7,500	10,000
Section 8.10	Obstruct a municipal official, fire guardian, or member of the Emergency Services Manager's office in the performance of their duties pursuant to this Bylaw or the <i>Forest and Prairie Protection Act</i> .	1,000	5,000	10,000
Section 8.11	Disclose false information with respect to a Fire Permit	250	1,000	2,000
Section 8.12	Allow any fire to give off a dense smoke or offensive odor in a manner which creates a risk to public safety	250	2,000	10,000
Section 8.13	Conduct any activity that involves the use of a Fire, where smoke from the Fire may impede visibility of the vehicular traffic on any Highway as defined in the <i>Highway Traffic Act</i> R.S.A. 2000 c. H-8	500	2,000	10,000
Section 8.14	Allow property which he or she owns or occupies to become a fire hazard	500	2,000	10,000