

SUMMER VILLAGE OF BURNSTICK LAKE
BYLAW NO. 17-95

AUTHORIZING THE PREVENTION
AND CONTROL OF FIRES

WHEREAS Section 7 of the Municipal Government Act. R.S.A. 1980 c.M-26.1 and amendments thereto provide that Council may pass bylaws for the safety, health and welfare of people and protection of people and property generally within the Summer Village; and

WHEREAS the Council of the Summer Village of Burnstick Lake in the Province of Alberta pursuant to the powers granted to it under the Municipal Government Act (supra) wishes to provide for the prevention, regulation and control of the lighting of fires within the summer village;

NOW THEREFORE the Council of the Summer Village of Burnstick Lake, in the Province of Alberta in Council duly assembled hereby enacts as follows:

SECTION 1 NAME OF BYLAW

1.1 This Bylaw may be cited as "The Burning Bylaw".

SECTION 2 DEFINITIONS

2.1 In this Bylaw

- a) "Bylaw Enforcement Officer" means a person appointed as the Bylaw Enforcement Officer by the Council for the Summer Village of Burnstick Lake or a member of the R.C.M.P.
- b) "Council" means the Council of the Summer Village of Burnstick Lake.
- c) "Fire Chief" means the person appointed as head of Caroline Fire Services Department;
- d) "Fire Guardian" means a person appointed by the Council as the Fire Guardian for the Summer Village of Burnstick Lake.
- e) "Fire Permit" means a permit issued by a Fire Guardian for this Bylaw allowing for the setting of outdoor fires or incinerator fires within the Summer Village.
- f) "Incinerator Fire" means a fire that is confined within a noncombustible container with openings covered with a heavy gauge metal screen having a mesh size not larger than 7 millimetres and which are used for the purpose of burning refuse.
- g) "Municipal Administrator" means the person appointed by Council as Municipal Administrator for the Summer Village of Burnstick Lake.
- h) "Structure" means anything manmade.
- i) "Outdoor Fire" means any fire other than that defined as an Incinerator Fire and shall include fires involving humus, bush, grass, feed, straw, coal or any fire that has escaped or spread from a structure. An Incinerator Fire without the required metal screen shall be deemed to be an Outdoor Fire;
- j) "Running Fire" means a fire burning without being under the proper control of any person;
- k) "Structure Fire" means a fire confined to and within any structure which will or is likely to cause the destruction of or damage to such structure;
- l) "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw and



shall be in the form as outlined in Schedule "C" of this Bylaw.

SECTION 3. FIRE GUARDIANS

- 3.1 The Council shall appoint a sufficient number of Fire Guardians to administer the provisions of this Bylaw, where it provides a duty to the Fire Guardian, within the boundaries of the Summer Village.

SECTION 4. POWER OF FIRE GUARDIANS

- 4.1 Each Fire Guardian shall have the authority and power to:
- a) issue a Fire Permit in respect of any land within the Summer Village,
 - b) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian considers appropriate;
 - c) may 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;

SECTION 5. POWER OF BYLAW ENFORCEMENT OFFICER

- 5.1 Each Bylaw Enforcement Officer shall have the authority and power to:
- a) enforce the provisions of this Bylaw within the boundaries of the Summer Village.

SECTION 6 FIRE PERMITS

- 6.1 Fire Permits shall be required under this Bylaw for the period from April 1 to October 31 in each year.
- 6.2 A request for a Fire Permit for an Outdoor Fire shall be made to a Fire Guardian verbally or in writing and the Fire Guardian shall receive and consider the request and after having done so may, in absolute discretion, issue to the applicant a Fire Permit. No burning is allowed unless a fire permit is issued in the form outlined in Schedule "A" of this Bylaw is signed by a Fire Guardian.
- 6.3 When issuing a Fire Permit, a Fire Guardian may issue the Fire Permit unconditionally or may impose conditions considered appropriate.
- 6.4 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian issuing the permit, but in any case shall not exceed five (5) days, the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 6.5 When requesting a Fire Permit the applicant must provide the following information to the Fire Guardian:
- a) the name and address of the applicant;
 - b) the description of the land (civic address) on which the applicant proposed to set a fire;
 - c) the type and description of material which the applicant proposed to burn;
 - d) the period of time the Fire Permit is required; and
 - e) the precautions that will be taken by the applicant to ensure that the proposed fire remains

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under his control.

- 6.6 Where an emergency or a potential emergency exists, the Fire Guardian or his designate shall be at liberty to suspend Incinerator Fires, Outdoor Fires, or any Outdoor Camping fire lit for Cooking or Warming purposes within the Summer Village for such a period of time and on such conditions as may be determined by the Fire Guardian or his designate.

SECTION 7 EXEMPTIONS

- 7.1 A Fire Permit is not required under this Bylaw for the following:
- a) An Incinerator Fire provided that the incinerator is located at least 3 metres from any structure and is clear of flammable fuels, including but not limited to grass, trees and bushes for at least 1.5 metres horizontally from the bottom of the incinerator and 2.5 metres vertically from the top of the incinerator. Without the above conditions there is no authority to burn in an incinerator; or
 - b) An Outdoor Fire that is set for the purposes of cooking or obtaining warmth providing that the fire is contained in a pit with a noncombustible bottom, has a ring of cement or steel that is a minimum of 30 centimetres high and is located at least 3 metres from any structure, and is clear of flammable fuels, including but not limited to grass, trees and bushes, for at least 1.5 meters horizontally from the edge of the rim and 2.5 meters vertically from the edge of the rim. Without the above conditions being met there is no authority to have an outdoor cooking or warming fire.
- 7.2 This Bylaw does not apply to fires that are set for the purpose of training fire fighters.
- 7.3 Any existing outdoor fire pit for the purposes of cooking or obtaining warmth or incinerator, that does not meet the conditions set out in Sections 7.1(a) and (b) of this Bylaw, must be inspected by a Fire Guardian and a Certificate issued authorizing it's continued use. Certificates will be valid for a period of two (2) years and are be subject to re-inspection by the Fire Guardian prior to obtaining a two (2) year renewal of the Certificate. If a Certificate cannot be issued or renewed, the incinerator or outdoor fire pit cannot be used.

SECTION 8 INSPECTION AND RIGHT OF ENTRY

- 8.1 The Fire Guardian or Bylaw Enforcement Officer, upon providing reasonable notice to the owner or occupier of land or a structure may enter the property to carry out the inspection, remedy, enforcement or action as required. The Fire Guardian or Bylaw Enforcement Officer must display or produce on request identification showing that the person is authorized to make the entry.
- 8.2 In an emergency, the Fire Guardian or Bylaw Enforcement Officer need not give reasonable notice or enter at a reasonable hour and may do the inspection, remedy, enforcement or action as required without the consent of the owner or occupant.
- 8.3 If a person refuses entry, inspection, enforcement or action, the Summer Village may apply to the Court of Queen's Bench by way of originating motion for a Court Order.
- 8.4 If the Bylaw Enforcement Officer finds that a person is contravening this bylaw, he may, by written order,

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require the person responsible for the contravention to remedy it if the circumstances so require. The order may:

- a) direct a person to stop doing something or to change the way in which the person is doing it;
- b) direct a person to take any action or measures necessary to remedy the contravention of this bylaw;
- c) state the time within which the person must comply with the directions;
- d) state that if the person does not comply with the directions within a specified time, the Summer Village will take the action or measure at the expense of the person.

8.5 Costs incurred in obtaining an Order will be charged to the tax roll of the property in which the order was required.

SECTION 9 OFFENSES

- 9.1 No person shall light an Outdoor Fire unless he is a holder of a subsisting Fire Permit if required under the Bylaw.
- 9.2 No person shall permit an Outdoor Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to the Bylaw.
- 9.3 When a fire is lit under the circumstances described in Section 9.2 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) where he is unable to extinguish the fire immediately, report the fire to the nearest Land and Forest Office at Sundre and Caroline Fire Department.
- 9.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee kindle a fire and let it become a Running Fire.
- 9.5 No person shall light an Outdoor Fire, or an Incinerator Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 9.6 Except as provided in Section 7.3, no person shall burn anything within a distance of 3 meters of any structure.

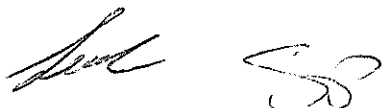
SECTION 10 COST OF FIGHTING FIRES

- 10.1 If it can be determined that the origin of a fire commenced on a specific property in the Summer Village, Council may invoice the property owner the costs incurred in fighting and suppressing the fire. Any unpaid expenses and charges will be charged to the tax roll belonging to the property.

SECTION 11 PENALTIES

- 11.1 Any person who fails to hold a subsisting Fire Permit when one is required under the Bylaw or who sets an incinerator fire or outdoor fire in contravention of Section 7 is guilty of an offence and is liable to a fine of

\$ 200.00 First Offence



\$ 400.00 Second Offence; and
\$1000.00 Third and each subsequent Offence

- 11.2 The fine as outlined in Section 11.1 must be paid within thirty (30) days from the date of service.
- 11.3 The Violation Ticket must be signed by either the Bylaw Enforcement Officer or the Municipal Administrator.
- 11.3 Service of such Violation Ticket shall be sufficient if it is:
- a) personally served, or
 - b) left for him at his last or most usual place of abode with a person who is apparently at least 16 years old or
 - c) mailed at the last known mailing address by registered mail.
- 11.4 A person who fails to comply with any provision contained in the Bylaw, including non payment of a Violation Ticket as provided for in Section 11.1, is guilty of an offence and is liable on summary conviction to imprisonment to a term of not more than six(6) months, or to a fine of not more than Twenty Five Hundred (\$2500.00) Dollars, or to both a fine and imprisonment.

SECTION 12 SEVERABILITY

- 12.1 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.

READ a first time this 13th day of June A.D., 1995

READ a second time this 1st day of July A.D., 1995

READ a third time this 1st day of July A.D., 1995



Mayor



Municipal Administrator

SCHEDULE "A"

SUMMER VILLAGE OF BURNSTICK LAKE

FREE FIRE PERMIT

No. _____

Issued under the authority of Bylaw 17-95, Summer Village of Burnstick Lake.

This permit authorizes _____

of _____
(Mailing Address)

to kindle fires on the following lands: _____
(civic address)

Lot _____ Block _____ Plan _____ for the purpose

of burning _____

Burning shall be done in compliance with Bylaw 17-95, Summer Village of Burnstick Lake and the following conditions:

Effective Date: _____, 19 ____ Expires _____, 19__

Countersigned by: _____ Issued _____, 19__

Fire Guardian

I have read and understand the conditions above and accept full responsibility.

Permittee

NOTE: This permit is not valid unless countersigned and may be cancelled at any time.

SCHEDULE "B"

SUMMER VILLAGE OF BURNTSICK LAKE
ORDER FOR REMOVAL OF FIRE DANGER

No. _____

Issued under authority of Bylaw 17-95, Summer Village of
Burnstick Lake

To: _____ Date _____ Hour _____

of _____

Lot _____ Block _____ Plan _____
(civic address)

Take notice that conditions dangerous to life, property or forest
from fire have been found on the above land owned by you or under
your control.

You are hereby ordered, pursuant to Section 8.4 of the Summer
Village of Burnstick Lake Bylaw 17-95 to take such action as is
necessary to remove the danger forthwith and in particular to

Per _____
Bylaw Enforcement Officer

SCHEDULE "C"

SUMMER VILLAGE OF BURNTSICK LAKE

VIOLATION TICKET

No. _____

Issued under the authority of Bylaw 17-95, Summer Village of
Burnstick Lake

To: _____

of _____

Lot _____ Block _____ Plan _____
(civic address)

In Contravention of Section _____ Subsection _____
of Bylaw 17-95 and amendments thereto of the Summer Village of
Burnstick Lake.

Description of Contravention:

Fine:

_____ \$ 200.00 1st Offense

_____ \$ 400.00 2nd Offense

_____ \$1000.00 3rd and subsequent Offense

Payment of the above-noted fine must be made by cheque or money
order payable to:

Summer Village of Burnstick Lake,
Box 5754, High River, Alberta T1V 1P3

and is due 30 days from the date of service.

Bylaw Enforcement Officer or
Municipal Administrator

Date of Service

SCHEDULE "D"

SUMMER VILLAGE OF BURNSTICK LAKE

CERTIFICATE FOR CONTINUED USE OF
NON-CONFORMING INCINERATOR OR OUTDOOR FIRE PIT

This is to certify that an inspection of:

Description of Incinerator or Outdoor Fire pit:

located at:

Civic Address: _____

Lot _____ Block _____ Plan 217 RS

and owned by: _____

was inspected on _____, 199__ and is hereby provided
a certificate pursuant to Section 7.3 of Bylaw 17-95, allowing
it's continued used until _____, 199__.

Note:

A Fire Guardian will enter the property during a two (2) month
period prior to expiration of this Certificate to re-inspect the
incinerator and/or outdoor fire pit for possible renewal of this
Certificate.

Dated this _____ day of _____, 19 _____

Fire Guardian