

**Summer Village of Sunset Point
BYLAW NO. 301**

BEING A BYLAW OF THE SUMMER VILLAGE OF SUNSET POINT IN THE PROVINCE OF ALBERTA TO PROHIBIT AND CONTROL OPEN BURNING.

WHEREAS pursuant to the Municipal Government Act, being Chapter M-26, Revised Statues of Alberta 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;

WHEREAS the Council of the Summer Village of Sunset Point deems it proper to pass a bylaw to control and prohibit burning within the Summer Village of Sunset Point; and

NOW THEREFORE, the Council of the Summer Village of Sunset Point in the Province of Alberta, pursuant to authority conferred upon it by the Municipal Government Act 2000 enacts as follows:

1. This Bylaw may be cited as the Open Burning Bylaw.
2. In this Bylaw:
 - (a) "Council" means the Council of the Summer Village of Sunset Point;
 - (b) "CAO" means the person appointed as the Chief Administrative Officer of the Summer Village of Sunset Point;
 - (c) "Fire Ban" means a complete ban on any burning of any kind in the Summer Village as may be called by the Fire Chief or their designate;
 - (d) "Fire Chief" means the member appointed by Council as head of the Fire Department;
 - (e) "Fire Department" means Fire Services contracted to the Summer Village;
 - (f) "Fire Permit" means a permit issued and in a format prescribed by the Fire Chief, his designate or Peace Officer allowing for the setting of outdoor fires within the Summer Village;
 - (g) "Fire Pit" means a permanently affixed outdoor fire receptacle;
 - (h) "Fireplace" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick rock or other acceptable masonry;
 - (i) "Open Burning" means any fire of any kind whatsoever in the open air with the exception of:
 - i) Natural gas, propane and/or briquette barbecues;
 - ii) Camp stoves affixed above ground level and located in a park; and/or
 - iii) Coleman-type camp stoves (either kerosene or propane fired).
 - (j) "Open Fire" means a fire that is not confined within a non-combustible container or structure to the satisfaction of the Summer Village;
 - (k) "Outdoor Fire" means any fire not contained within a building or structure as otherwise may be permitted within this Bylaw as a Recreational Fire. It shall include – but not be limited to – fires involving humus soil, piles of coal, farm produce, waste, bush, grass, feed, straw or any fire that has escaped or spread from a building, structure, machine or vehicle, and any fire set for the purpose of thawing ground;

- (l) "Owner" means:
 - i) The person as registered on title at the Land Titles Offices;
 - ii) A person who is recorded as the owner of the property on the assessment roll of the Summer Village;
 - iii) A person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
 - iv) A person controlling the property under construction; and/or
 - v) A person who is the occupant of the property under a lease, license, or permit.
- (m) "Peace Officer" means a person appointed as a Peace Officer under Section 7 of the Peace Officer Act;
- (n) "Portable Fire Receptacle" means an outdoor fire receptacle that is not permanently affixed to the ground or a structure;
- (o) "Recreational Fire" means a confined outdoor fire in a Fire Pit, Fireplace or Portable Fire Receptacle for the purpose of cooking, obtaining warmth or viewing for pleasure.
- (p) "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 a building, structure, machine or vehicle, excluding an incinerator fire;
- (q) "Summer Village" means the Summer Village of Sunset Point and, where the context requires, means the area contained within the corporate boundaries of the said municipality.

3. Powers

- (a) The Fire Chief, his designate and/or Peace Officer may:
 - i) Issue a fire permit to a person 18 years or older;
 - ii) Issue a fire permit in respect of any land within the municipal boundaries of the Summer Village of Sunset Point;
 - iii) Issue a fire permit unconditionally or impose condition upon the applicant which he considers appropriate;
 - iv) Suspend or cancel a fire permit and, on receiving notice of the suspension or cancellation, the person concerned shall immediately extinguish any fire set pursuant to permit;
 - v) Direct the operation in respect of any fire permit issued;
 - vi) Declare a Fire Ban per Sec. 5 of this Bylaw; and/or
 - vii) Withdraw any declared Fire Ban as and when safe to do so.

4. Recreational Fires

The following regulations and specifications apply to Recreational Fires. Except as noted Fire Permits are not required for these types of fires:

- (a) Except as provided in Section 4(i), no permit is required to ignite, construct or otherwise create a recreational fire by or with permission of the property owner;
- (b) A Fire Pit used outdoors for the purpose of cooking, obtaining warmth or viewing for pleasure meeting the following specifications:
 - i) A safe clearance of at least 3.0 metres, measured from the fire pit or its edge is maintained from buildings, property lines, or any other combustible materials;
 - ii) Fire pit height must not exceed 0.6 metres measured from the surrounding grade to the top of the fire pit opening;
 - iii) Fire pit is to be constructed of non-combustible materials such as bricks, concrete blocks heavy gauge metal, or other non-combustible materials deemed acceptable by the Fire Chief;
 - iv) A fire pit must not exceed 1.1 metres in diameter; and
 - v) The height of flames in a fire pit cannot exceed 1.0 metre;

- (c) A Fireplace used outdoors for the purpose of cooking, obtaining warmth or viewing for pleasure meeting the following specifications:
 - i) A minimum of 1.0 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or any other combustible materials;
 - ii) A fireplace is constructed of materials, such as bricks or rocks, that are heat and flame resistant;
 - iii) The fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
 - iv) The fireplace chimney is equipped with a spark arrester designed to contain and reduce the hazard of airborne sparks;
 - v) The base of the fire burning area is not less than 0.3 metres above the surrounding grade; and
 - vi) The fire chamber does not exceed 1.25 metres in width and is at least 0.4 metres but not more than 0.6 metres in depth.
- (d) A Portable Fire Receptacle used outdoors for the purpose of cooking, obtaining warmth or viewing meeting the following specifications:
 - i) Recreational fires may be burnt in a portable fire receptacle in a residential back yard with the same specifications for a "fire pit" applying to a portable fire receptacle with the exception that the portable fire receptacle must be situated at least 2 metres from any combustible materials; and
 - ii) Recreational fires may be burnt in a portable fire receptacle on a wooden deck or patio as long as non-combustible materials (such as brick or stone) are placed between the portable fire receptacle and the structure beneath. The portable fire receptacle must also be situated at least two metres from any combustible materials.
- (e) A garden hose, extinguisher or other method of extinguishing a fire must be available for immediate use;
- (f) Recreational fires must not be set in windy conditions conducive to creating a running fire or a nuisance to another person or property;
- (g) Recreational fires must be supervised by a responsible adult person over 18 years of age at all times;
- (h) Once the use is completed, recreation fires must be extinguished; and
- (i) No person shall ignite, construct or create a recreational fire in a park unless occurring at a location or structure so designated within the park.

5. Fire Bans

- (a) Notwithstanding any provision of this or any other bylaw, the Fire Chief or their designate may declare a complete ban any burning of any kind within the Summer Village including Recreational Fires (per Sec. 4 of this Bylaw).
- (b) When determining whether to declare a complete ban on burning, the Fire Chief or their designate may take into consideration any or all of the following factors:
 - i) the air quality index;
 - ii) levels of recent precipitation;
 - iii) water shortages or declared water restrictions;
 - iv) availability of fire fighters and fire fighting equipment; and
 - v) the overall fire danger in the region.
- (c) No Person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief or their designate, and while it remains in effect.
- (d) The Fire Chief or designate, or an Officer, may direct any Person to extinguish any fire when a Fire Ban is in effect.
- (e) A Person failing to comply with the direction outlined in Sec. 5(d) or 5(e) to extinguish a fire during a declared Fire Ban is guilty of an offence under this Bylaw and the Fire Chief or designate, or an Officer, as the case may be, may cause the fire to be immediately extinguished.

(f) The Fire Chief or their designate shall withdraw any declared Fire Ban once the identified factors which initiated the declaration have satisfactorily lessened.

6. Control of Fire Hazards

(a) If the Peace Officer or the Fire Chief finds within its municipal boundaries on a privately owned land or occupied public land conditions that, in its opinion, constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the Peace Officer or Fire Chief; and

(b) When the Peace Officer or the Fire Chief finds that the order it made pursuant to Section 6(a) has not been carried out, they may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard.

7. Recovery of Costs

(a) Where the Fire Department or Peace Officer has taken any action whatsoever for the purpose of extinguishing a fire responding to a fire call or incident in the Summer Village, or for the purpose of preserving life or property from injury or destruction by fire or other incident on property within the Summer Village, including any action taken by the Fire Department on a false alarm, the Fire Chief, the Peace Officer, or CAO may, in respect of any costs incurred by the Fire Department or Summer Village in taking such action, charge these costs to the owner or occupant of the property in respect of which the action was taken.

(b) The Costs for Fire Department and/or Peace Officer services rendered shall be determined by the Fire Chief, Peace Officer or the CAO. In the event that the owner shall feel aggrieved by any action taken by the Fire Chief, Peace Officer, or CAO Section 7(a), he or she shall have a period of thirty (30) days from the dated of mailing of the notice to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and not subject to further appeal.

(c) In respect of the cost of fee described in Section 7(a):
i) The Summer Village of Sunset Point may recover such costs or fees as an amount due owing to The Summer Village of Sunset Point pursuant to Section 552 of the Municipal Government Act R.S.A 2000, Chapter M-26;
ii) And in default of payment, where permitted by the Municipal Government Act R.S.A. 2000, Chapter M-26 Section 533(1)(c), add the amounts due to the tax roll of the property in question.

8. **Offences**

(a) No person shall permit an outdoor fire, a structure fire or an incinerator fire to be lit upon land that is owned or occupied by him or under his control except where such a fire is permitted pursuant to this Bylaw.

(b) When a fire is lit under the circumstances prohibited by Section 8(a), the owner or occupier or the land or the person having control of the land upon which such fire is lit shall:
i) Extinguish the fire immediately, or
ii) Where he is unable to extinguish the fire immediately, report the fire to the Fire Department.

(c) No person shall light a permitted outdoor fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.

(d) No person or persons shall, either directly or indirectly, cause to be reported a false alarm.

9. **Penalties**

- (a) Any person who fails to hold a fire permit when required under this Bylaw is guilty of an offence and is liable to a fine of \$100.00 for a first offence and \$200.00 for second and all subsequent offences.
- (b) Any person who contravenes any section of this Bylaw is guilty of an offence and is liable to a fine of \$100.00 for a first offence and \$200.00 for second and all subsequent offences.
- (c) Every Peace Officer is hereby granted authority and charged with the duty of enforcing the provisions of the Bylaw.
- (d) Any fine or penalty imposed under this Bylaw shall be to the benefit of the Summer Village of Sunset Point.
- (e) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (f) A Violation Tag may be issued to such a person:
 - i) Personally;
 - ii) By mailing a copy to such person at his last known post office address; and/or
 - iii) By leaving it for the defendant at his residence with a person on the premises that appears to be at least 18 years of age.
- (g) The Violation Tag shall be in a form approved by the Summer Village and shall state:
 - i) The name of the defendant;
 - ii) The offence;
 - iii) The appropriate penalty for the offence as specified by this Bylaw;
 - iv) That the penalty shall be paid within 30 days of the issuance of the Violation Tag; and
 - v) Any other information as may be required by the Summer Village.
- (h) Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by a Peace Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- (i) Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may choose, in lieu of being prosecuted for the offence, to pay to the Summer Village the penalty specified on the Violation Tag.
- (j) In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- (k) Any Person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this Bylaw, to the Provincial Court office specified on the Violation Ticket.

9. 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.

10. This Bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Division 9 Municipal Government Act, Revised Statutes of Alberta RSA 2000.

Read a first time this the 12th day of March, 2016

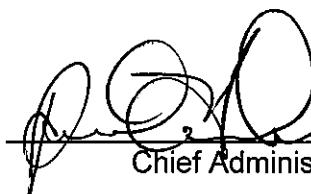
Read a second time this the 15th day of April, 2016

Read a third time this the 20th day of May, 2016

Upon adoption of this Bylaw – then Bylaw 241 “Fire Extinguishing Costs Bylaw” adopted June 14th, 2002 shall be rescinded.

Summer Village of Sunset Point

Ann Morrison
Mayor
Ann Morrison


Chief Administrative Officer
Paul Hanlan