

**BYLAW # 187-16**

**SUMMER VILLAGE OF YELLOWSTONE**

**BEING A BYLAW OF THE SUMMER VILLAGE OF YELLOWSTONE IN THE PROVINCE OF ALBERTA TO PROHIBIT AND CONTROL OPEN BURNING WITHIN THE CORPORATE LIMITS OF THE SUMMER VILLAGE OF YELLOWSTONE.**

WHEREAS in accordance with Section 7 of the Municipal Government Act, being chapter M-26 of the Statutes of Alberta, 2000 and amendments thereto.

AND WHEREAS the Council of the Summer Village of Yellowstone deems it proper and expedient to pass a Bylaw regulating open burning in the Summer Village of Yellowstone.

NOW THEREFORE the Council of the Summer Village of Yellowstone, duly assembled, hereby enact as follows:

**SECTION 1 – SHORT TITLE**

1. (1) This Bylaw may be cited as “The Burning Bylaw”.

**SECTION 1 – DEFINITIONS**

2. (1)
  - (a) “Council” means the Municipal Council of the Summer Village of Yellowstone.
  - (b) “Fire Extinguishing Equipment” means any equipment capable, when used properly, of extinguishing burning materials.
  - (c) “Fire Chief” means the member appointed and approved by the Onoway Regional Fire Services as head of the Fire Department, or his designate.
  - (d) “Member” means any person who is a duly appointed member of the Fire Department.
  - (e) “Officer” means a Bylaw Enforcement Officer appointed by the Summer Village of Yellowstone pursuant to the Municipal Government Act to enforce Bylaws, a member of the Royal Canadian Mounted Police or a Community Peace Officer.

- (2) “Park” means:
- (a) Every public park, sports field, playground or recreation area title to which is vested in the Summer Village of Yellowstone.
  - (b) Any Municipal Reserve or area used as a park, whether on a permanent or temporary basis.
  - (c) Any area designated by resolution of the Summer Village as a park for the purposes of this Bylaw.
  - (d) Any land acquired by the Summer Village of Yellowstone through subdivision as a Municipal Reserve.
- (3) “Fire Security Personnel” means a person, organization or group appointed as Fire Security Personnel by the Summer Village of Yellowstone Administrator or Mayor and Council under this Bylaw.
- (4) “Person” includes an individual, corporation, firm, partnership, association or body corporate, over the age of eighteen (18) years of age.
- (5) “Portable Appliance” means any appliance sold or constructed for the purpose of cooking food out of doors.
- (6) **“Fire Pit” means an installation which has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non combustible materials acceptable to the Fire Chief or Fire Security Personnel.**
- (7) **“Spark Arrestor” means a mesh screen with openings no larger than 1.25cm or approximately ½ inch and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.**
- (8) “Recreational Fire” means a confined fire for the purpose of cooking, obtaining warmth or viewing for pleasure. A Recreational Fire may only be fuelled with seasoned wood, charcoal, propane or natural gas.
- (9) “Summer Village” means the Municipal Corporation of the Summer Village of Yellowstone in the Province of Alberta.
- (10) “Violation Tag” means a tag or similar document issued by the Summer Village of Yellowstone pursuant to Section 7 of the Municipal Government Act.

- (11) “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act S.A. 1988, c.P-21.5, as amended and regulations thereunder.
- (12) “Prohibited Debris” means material burned in accordance with all applicable statutes and Bylaws including but not limited to materials such as:
- (a) straw and stubble
  - (b) grass and weeds, except as in section 3(1)(c)&(d)
  - (c) leaves and tree prunings, except as in section 3(1)(c)&(d)
  - (d) brush and fallen trees on newly cleared land or associated with logging operations
  - (e) wooden material from the construction or demolition of building
  - (f) solid waste from post and pole operation that does contain wood preservatives
  - (g) solid waste from tree harvesting operations
  - (h) animal cadavers
  - (i) animal manure
  - (j) pathological waste
  - (k) non-wooden material
  - (l) combustible material in automobiles
  - (m) tires
  - (n) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, including rubber or plastic attached to shredded scrap steel;
  - (o) wood or wood products containing substances for the purpose of preserving wood; and
  - (p) household refuse including furniture.

### **SECTION 3 – PROHIBITIONS**

3. (1) Except as provided in this Bylaw, no person shall conduct any outdoor burning unless:
- (a) Such burning is performed under the direct supervision of an individual sixteen (16) years or older;
  - (b) The burning is conducted in a safe manner;
  - (c) Only pulp products (paper or cardboard) and dry refuse from vegetation are burned; and seasoned wood;
  - (d) Fire extinguishing equipment is readily available at the site

- (2) No person shall burn anything within a distance of 2 meters from any structure, and do so using a device as allowed within this Bylaw.
- (3) No person shall conduct or cause to be conducted any burning in a park or on any other property owned or operated by the Summer Village, unless such burning occurs in a container provided by the Summer Village for that purpose or in a portable appliance.
- (4) No person shall conduct any burning or light an outdoor fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times.
- (5) No person shall conduct any burning or light an outdoor fire when weather conditions are conducive to a fire readily escaping out of control.
- (6) Every person lighting, igniting or causing a fire to be lit or ignited shall take reasonable steps to prevent it from spreading onto land other than his own, and;
- (7) No person shall deposit, discard or leave any burning matter or substance in a place where it might ignite other matter and result in fire.
- (8) No person shall conduct any burning or light an outdoor fire unless confined within a pit or enclosure no more than 3 feet 6 inches in diameter and no less than 1 foot in height.**

#### **SECTION 4 – FIRE BAN ORDERS**

4. (1) The Minister, Summer Village of Yellowstone Administrative Officer or Mayor and Council may issue FIRE BAN ORDERS and when issued, every person shall:
  - (a) Within the Municipal boundaries affected by the order of a FIRE BAN, immediately proceed to extinguish every outdoor fire and recreational fire lit by him or under his authority and every fire located on land occupied or owned by him.

#### **SECTION 5 – COOKING**

5. (1) Except as provided for in subsection (2) it shall not be an offence under this Bylaw to cook, prepare or smoke food; providing it is an approved portable appliance as set in the definitions 1(5) excepting when a FIRE BAN is in effect.

- (2) No person shall cook, prepare or smoke food in a park unless it is done in a portable appliance or such device or structure constructed for those purposes in the park, excepting when a FIRE BAN is in effect.

#### **SECTION 6 – RECREATIONAL FIRES**

6. (1) Except as provided for in Section 6 – subsection (2) it shall not be an offence to ignite, construct or otherwise create a recreational fire, excepting when a FIRE BAN is in effect.
- (2) No Person shall ignite, construct or create a recreational fire in a park unless the recreational fire occurs at a location so designated within a park or in a device or structure constructed for that purpose in the park, excepting when a FIRE BAN is in effect.

#### **SECTION 7 – FIRE DEPARTMENT**

7. (1) It shall not be an offence under this Bylaw for the Fire Department to conduct any burning for the purpose of fire prevention or training excepting when a FIRE BAN is in effect.

#### **SECTION 8 – RECOVERY COSTS**

8. (1) Recovery of fire fighting cost:
  - (a) Upon written request by Onoway Regional Fire Services, where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call of incident in the Summer Village of Yellowstone for the purpose of preserving life or property from injury or destruction by fire or other incident on land within the Summer Village, including any action taken by the Department on a false alarm, the Chief Administrative Officer or his/her designate may in respect of any costs incurred by the Fire Department in taking such action, if the Chief Administrative Officer or his/her designate feels that proper grounds for doing so exist, charge any costs so incurred against the land upon which the fire was extinguished as taxes due and owing in respect of that land.
  - (2) The costs and fees to be charged by the Summer Village of Yellowstone for services rendered pursuant to this Bylaw shall be as billed by the Town of Onoway on behalf of Onoway Regional Fire Services.

#### **SECTION 9 – EXEMPTIONS**

9. (1) A fire permit is not required under this Bylaw for the following:

- (a) An incinerator fire; or
- (b) An outdoor fire or recreational fire that is set for the purposes of cooking or obtaining warmth, excepting when a FIRE BAN is in effect
- (c) **Onoway Regional Fire Services will be notified of any special event fires.**

#### **SECTION 10 - PENALTIES**

10. (1) Offences:
- (a) Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule “A” herein.
  - (b) Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
  - (c) Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Summer Village of Yellowstone to obtain compensation or maintain an action for loss of or damage to property from or against the person or persons responsible.

#### **SECTION 11 – FIRE HAZARDS**

11. (1)
- (a) If Council finds within its Municipal boundaries on 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 Council.
  - (b) When Council finds that the order it made pursuant to Section 11(a) has not been carried out, it may enter on the land with any equipment and any person it considers necessary and perform any work required to eliminate or reduce the fire hazard.
12. (1) The Chief Administrative Officer or the Mayor and Council may limit the:
- (a) Authority and power of the Fire Security Personnel and their designates through a written description of their duties.

- (b) Unless the powers are otherwise limited by the Administrator, each Fire Security Personnel and their designates shall have the authority and power to enforce the provisions of this Bylaw within the boundaries of the Summer Village of Yellowstone.

**SECTION 13 – VIOLATION TAGS**

- 13. (1) An Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Violation Tag may be issued to such person:
  - (a) Either personally; or
  - (b) By mailing a copy to such person at his/her last known mailing address
- (3) The Violation Tag shall be in a form approved by the Summer Village or the responsible Administrator and shall state:
  - (a) The name of the person;
  - (b) The offence;
  - (c) The appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;
  - (d) That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - (e) Any other information that may be required by the Summer Village of Yellowstone
- (4) Where contravention of this Bylaw is of a continuing nature, an Officer shall issue one Violation Tag for each 24-hour period that the contravention continues.
- (5) Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued, may in lieu of being prosecuted for the offence, pay to the Administration Officer the penalty specified in the Violation Tag, on or before the specified first appearance.

- (6) Nothing in this Bylaw shall prevent an officer from immediately issuing a Violation tag for the mandatory court appearance of any person who contravenes a provision in this Bylaw.

**SECTION 14 – VIOLATION TICKET**

14. (1) If the penalty specified in a Violation Tag is not paid within the prescribed time period, then an Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act.
- (2) When a Violation Ticket is issued, a Person who wishes to plead guilty may make a voluntary payment by paying an amount equal to the specified penalty for the offence as provided for in Schedule “A” of this Bylaw.

**SECTION 15 – SEVERABILITY**

15. (1) Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

THIS BYLAW SHALL COME INTO FULL FORCE AND EFFECT UPON THE THIRD AND FINAL READING THEREOF.

READ A FIRST TIME THIS 17<sup>TH</sup> DAY OF MAY, 2016.

READ A SECOND TIME THIS 17<sup>TH</sup> DAY OF MAY, 2016.

READ A THIRD AND FINAL TIME THIS 17<sup>TH</sup> DAY OF MAY, 2016.

SIGNED BY THE MAYOR AND C.A.O. THIS 17<sup>TH</sup> DAY OF MAY, 2016.

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Mayor,  
Alice Solesbury

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**SCHEDULE "A"**

<b><u>Section</u></b>	<b><u>Particulars</u></b>	<b><u>Penalty</u></b>	<b><u>Second or Subsequent Offence</u></b>
3(1)(a)	No adult supervision	\$250.00	\$500.00
3(1)(b)	Unsafe burning	\$250.00	\$500.00
3(1)(c)	Prohibited material	\$250.00	\$500.00
3(1)(d)	No fire extinguishing equip.	\$250.00	\$500.00
3(2)	Too close to structure	\$250.00	\$500.00
3(3)	Burning in park	\$250.00	\$500.00
3(4)	Insufficient precautions	\$250.00	\$500.00
3(5)	Unsafe weather	\$250.00	\$500.00
3(6)	Danger of spreading fire	\$250.00	\$500.00
3(7)	Burning unsafe matter	\$250.00	\$500.00
3(8)	Failure to comply with pit\ enclosure size	\$250.00	\$500.00
5(2)	Cooking in park	\$250.00	\$500.00
6(2)	Recreational fire in park	\$250.00	\$500.00

**Failure to follow Fire Ban when in effect:**

First Offence:	\$1,000.00
Second Offence:	\$2,000.00
Third and subsequent Offence:	\$5,000.00 per offence