

SUMMER VILLAGE OF WAIPAROUS
BYLAW NO 122 - 14
FIRE SAFETY AND CONTROL OF FIRES
Office Consolidation – includes Bylaws 124-14, 125-15, 128-15

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000 c.M-26 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 Waiparous 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 Waiparous, 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 Fire Safety 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 Waiparous or a member of the R.C.M.P.
- b) "**alarm system**" means any mechanical or electrical device which is designed or used for the detection of smoke or fire in a premises, building, structure or facility or for alerting others, and which emits a sound or transmits a signal or message when activated, but does not include:
- (i) a device that registers an alarm that is not audible, visible, or perceptible outside of the protected premises, building, structure of facility, or
 - (ii) a device that is installed in a vehicle.
- c) "**automatic calling device**" means any device, or combination of devices that will upon activation, either mechanically, electronically or by any other automatic means, initiate a telephonic or recorded message or any other signal intended to alert another person or an emergency fire situation and which is designed to be transmitted over regular telephone lines but does not include a device commonly referred to as a telephone.

- d) “**Acceptable Fire Pit**” which is considered acceptable, means an outdoor receptacle that has been inspected and permitted meeting the following specifications:
- (i) a minimum of 2 metres clearance, measured from the inside fire pit edge, from all trees (including overhanging branches, shrubs, and combustible structures;
 - (ii) the base of the fire pit must be built on bare mineral soil or other non-combustible material with a minimum depth of 15 cm;
 - (iii) the fire pit opening does not exceed 1 metre in in diameter or height;
 - (iv) the fire ring must be constructed of bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Guardian;
 - (v) the fire pit must have a non-combustible apron surrounding the fire ring a minimum width of 61 cm.
- e) “**Acceptable Fireplace**” which is considered acceptable, means an outdoor receptacle that meets the following specifications:
- (i) a minimum of 2 metres clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material; 125-15
 - (ii) the 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 and the fireplace vertical opening is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks; 128-15
 - (v) the base of the fire burning area is not less that .31 cm above the surrounding grade;
 - (vi) the fire chamber does not exceed 1.25 metres in width, and is at least 40 cm but not more than 61 cm in depth; and 125-15

- (v) the fireplace must have a non-combustible apron surrounding the fireplace a minimum width of 61 cm. 128-15
 - e.1) “**Acceptable Portable Fire Receptacle**” which is considered acceptable, means a Canadian Standards Association (CSA) certified or equivalent outdoor portable fire receptacle that has been inspected and permitted meeting the following specifications: 125-15
 - (i) there must be a minimum of 2 metres clearance, measured from the outside edge of the receptacle, from all trees (including overhanging branches, shrubs, and combustible structures;
 - (ii) the base of the receptacle must be built on bare mineral soil or other non-combustible material with a minimum depth of 15 cm;
 - (iii) the receptacle must have a non-combustible apron surrounding the receptacle a minimum width of 61 cm; and
 - (iii) the receptacle must have a fine mesh grate, that completely covers the opening to the fire chamber and the flue, if there is one, is used while the receptacle is in use.
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- f) “**Council**” means the Council of the Summer Village of Waiparous.
 - g) “**false alarm**” means an alarm originating from an alarm system or an automatic calling device, necessitating response by the nearest fire department, where emergency fire services are not required.
 - h) “**Fire Chief**” means the person appointed as head of the Fire Department contracted by the Summer Village of Waiparous as the primary fire department
 - i) “**Fire Guardian**” means a person appointed by the Council as the Fire Guardian for the Summer Village of Waiparous.
 - j) “**Fire Permit**” means a permit issued by a Fire Guardian for this Bylaw allowing for the setting of outdoor fires within the Summer Village. (see exceptions in Section 7)
 - k) “**Fire Pit Permit**” means a permit issued by a Fire Guardian for this Bylaw allowing for the setting of fires in a fire pit, portable fire receptacle or fireplace within the Summer Village.

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- l) “**Municipal Administrator**” means the person appointed by Council as Municipal Administrator for the Summer Village of Waiparous.
- m) “**Structure**” means anything manmade.
- n) “**Open Air Fire**” means any fire that
 - i. is not an incinerator fire, or a fire in an acceptable fire pit or acceptable fireplace or a portable barbecuing appliance and
 - ii. without limiting the generality of the foregoing shall include grass fires, forest and brush fires, running fires, structure fires, wood scrap fires, ground thawing fires and chattel fires.
- o) “**Portable Barbecuing Appliance**” means any appliance sold or constructed for the purpose of cooking food outdoors, normally fueled by liquefied petroleum gas (LPG), natural gas, compressed briquettes or charcoal.
- o.1) “**Portable Fire Receptacle**” means an outdoor fire receptacle that is not permanently affixed.

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- p) “**Prohibited Debris**” means any material that when burned will result in the release of dense smoke or toxic air contaminants to the atmosphere as outlined in any statute or bylaw written to protect and enhance the environment and shall include but not be limited to materials described as:
 - i. straw and stubble;
 - ii. animal cadavers;
 - iii. animal manure;
 - iv. chemicals and chemical containers;
 - v. combustible material in automobiles and automobile bodies;
 - vi. household refuse;
 - vii. non-wooden material;
 - viii. paints and painting materials;
 - ix. pathological waste;
 - x. rubber or plastic or anything containing or coated with rubber or plastic;
 - xi. tires;
 - xii. toxic substances;
 - xiii. used oil; or
 - xiv. wood or wood products containing substances for the purpose of preserving wood.

- q) "**Running Fire**" means a fire burning without being under the proper control of any person;
- r) "**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;
- s) "**Voluntary Tag**" means a a municipal tag or similar document issued by the Summer Village in relations to an offence under this Bylaw.

SECTION 3. FIRE GUARDIANS

- 3.1 The Council shall appoint one or more 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 The Fire Guardian shall have the authority and power to:
 - a) issue a Fire Permit in respect of land within the Summer Village,
 - b) 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;
 - d) Order that a property owner dispose of materials and correct dangerous conditions deemed to be a fire hazard.
 - e) issue a Fire Pit Permit in respect of fire pits situated on properties within the Summer Village.

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 all outdoor fires with the exception of those outlined in Section 7 of the bylaw.
- 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. The only materials that will be considered for burning under a fire permit is untreated organic material No burning is allowed unless a fire permit is issued on the prescribed form

- 6.3 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 fourteen (14) days, the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 6.4 When requesting a Fire Permit the applicant must provide the following information to the Fire Guardian:
- a) the name address and phone number of the applicant and the name and address of the owner of the land on which the applicant proposed to set a fire;
 - b) the legal and municipal description of the land on which the applicant proposed to set a fire;
 - c) the purpose of the burning and 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 under his control
 - f) the signature of the applicant; and
 - g) the written consent to the proposed fire by the owner of the land (if different than the applicant).
- 6.5 Upon receipt of an application for a Fire Permit, the Fire Guardian shall consider the application and may pursuant to the provisions of this Bylaw and the Alberta Fire Code;
- a) refuse to grant a Fire Permit;
 - b) grant a Fire Permit with conditions as he/she deems appropriate; or
 - c) determine that a Fire Permit is not required.
- 6.6 Where an emergency or a potential emergency exists, the Fire Guardian or his designate shall be at liberty to suspend 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.

- 6.7 When the Minister of Environment and Sustainable Resource Development declares a total fire ban on the lands adjacent the Summer Village pursuant to the Forest and Prairie Protection Act and the fire ban includes all fires contained in fire facilities located in designated camping and recreational areas, then the same fire ban restrictions shall automatically apply within the boundaries of the Summer Village effective the time and date the adjacent land fire ban is declared by the Minister and shall remain in effect until the Minister of Environment and Sustainable Resource Development lifts the total fire ban on the adjacent lands.
- 6.8 When the Municipal District of Bighorn declares a fire ban on lands within the Municipal District of Bighorn pursuant to the Forest and Prairie Protection Act and the fire ban includes all fires contained in fire facilities located in designated camping and recreational areas, then the same fire ban restrictions shall automatically apply within the boundaries of the Summer Village of Waiparous effective the time and date the said fire ban is declared by the Municipal District of Bighorn and shall remain in effect until the Municipal District of Bighorn lifts the fire ban. Upon formal notice from the Municipal District of Bighorn of a fire ban, the Council will direct a notice of the fire ban to be placed on the Village Notice Board.
- 6.9 When a fire ban has not been declared by the Minister of Environment and Sustainable Resource Development or the M.D. of Bighorn, or the declared fire ban does not include fires contained in fire facilities located in designated camping and recreational areas yet the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Councillor of the Summer Village of Waiparous deems conditions to be such that there is a risk of fire, they may, declare a fire ban on lands within the boundaries of the Summer Village of Waiparous to include all fires contained in fire facilities and outdoor fire pits located within the boundaries of the Summer Village of Waiparous and the said ban shall remain in effect until the Mayor, or in his/her absence the Deputy Mayor in in his/her absence the Councillor of the Summer Village of Waiparous deems that the fire ban be lifted and will direct a notice of the fire ban to be placed on the Village Notice Board.

SECTION 7 FIRE PIT CERTIFICATE

- 7.1 If a fire pit is considered an Acceptable Fire Pit, Acceptable Portable Fire Receptacle or an Acceptable Fireplace as defined in this Bylaw, the Fire Guardian shall issue a Fire Pit Certificate unless he/she considers there to be issues with or surrounding the fire pit or fireplace that deems the Acceptable Fire Pit, Acceptable Fire Receptacle or Acceptable Fireplace unsafe.
- 7.2 If a fire pit is not an Acceptable Fire Pit or if the portable fire receptacle is not an Acceptable Portable Fire Receptacle or if a fireplace is not an Acceptable Fireplace as defined in this bylaw and the fire pit, portable fire receptacle or fire

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place holds a valid fire pit certificate issued prior to January 1, 2012, the Fire Guardian may issue a Fire Pit Certificate if he/she is satisfied that the non-conforming fire pit, portable fire receptacle or fireplace meets appropriate safety standards.

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- 7.3 If at any time during the duration of the Fire Pit Certificate, the Fire Guardian notices that issues with or surrounding the fire pit, portable fire receptacle or fireplace deems the fire pit, portable fire receptacle or fireplace unsafe, the Fire Guardian may suspend the Fire Pit Certificate until such time as the unsafe condition is rectified.

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- 7.4 Certificates will be valid for a period of three (3) years and are subject to re-inspection by the Fire Guardian prior to obtaining a three (3) year renewal of the Certificate. If a Certificate cannot be issued or renewed, the outdoor fire pit , portable fire receptacle or fireplace cannot be used.

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SECTION 8 EXEMPTIONS

- 8.1 Notwithstanding Section 6, a Fire Permit shall not be required under this bylaw to conduct:

- (a) the cooking of food using a Portable Barbecuing Appliance;
- (b) recreational burning or the cooking of food in Fire Pits or Fireplaces that has been issued a Fire Pit Certificate as outlined in Section 7 provided:
 - (i) only seasoned wood that is not contaminated with glue, paint, stain or other preservatives is used for burning and which will be contained within the fire pit or fireplace below the mesh screen;
 - (ii) a means, acceptable to the Fire Chief or Fire Guardian, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - (iii) a responsible adult is present on the property when the fire is burning;
 - (iv) the fire must be directly supervised at all times by at least one person 14 years of age or older; and
 - (v) the fire must be completely extinguished prior to abandonment.

- 8.2 This Bylaw does not apply to fires that are set for the purpose of training fire fighters.

SECTION 9 INSPECTION AND RIGHT OF ENTRY

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 If the Bylaw Enforcement Officer or Fire Guardian finds that a person is contravening this bylaw, he may, by written order, 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 reasonable 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 and reasonable time, the Summer Village will take the action or measure at the expense of the person.
- 9.5 Costs incurred in obtaining an Order will be charged to the tax roll of the property in which the order was required.

SECTION 10 OFFENSES

- 10.1 No person shall light an Outdoor Fire unless he is a holder of a subsisting Fire Permit if required under the Bylaw.
- 10.2 No person shall permit an Open Air 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.

- 10.3 No person shall permit any open air fire to burn unattended over night and shall assure that all coals and embers have been extinguished to the point of cool to the touch. Persons disposing of ashes from a fireplace clean-out and bar-b-que briquettes shall also assure these materials are cool to the touch before disposing of them.
- 10.4 When a fire is lit under the circumstances described in Section 10.2 and 10.3 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 by dialing the Fire Department Emergency number.
- 10.5 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.
- 10.6 No person shall light a Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 10.7 Except as provided in Section 8.2, no person shall burn anything within a distance of 2 meters of any structure. 125-15
- 10.8 No person shall burn prohibited debris at any time.
- 10.9 Fireworks are not permitted in the Summer Village.

SECTION 11 COST OF FIGHTING FIRES

- 11.1 Council may by resolution, invoice the property owner the costs incurred in
- (i) responding to a false alarm at the property owners property,
 - (ii) fighting, suppressing and extinguishing a fire that has been determined by the Fire Chief as originating from the property owner's property. .
- 11.2 Any expenses and charges assessed under section 11.1 remaining unpaid after sixty (60) days from date of invoice, will be charged to the tax roll belonging to the property.

SECTION 12 PENALTIES

12.1 Any person who fails to hold a subsisting Fire Permit when one is required under the Bylaw or who sets a fire in contravention of this bylaw is guilty of an offence and is liable to a fine of

Written Warning Letter	First Offence
\$ 200.00	Second Offence
\$ 400.00	Third Offence; and
\$1000.00	Fourth and each subsequent Offence

12.2 The fine as outlined in Section 12.1 must be paid with legal tender within thirty (30) days from the date of service.

12.3 The Voluntary Tag may be signed by either the Fire Guardian, Bylaw Enforcement Officer or the Municipal Administrator.

12.4 Service of such Voluntary Tag 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.

12.5 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 12.1, 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 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.

13.2 In all sections of this bylaw that refer to the masculine gender shall also mean the feminine gender.

SECTION 14 GENERAL PROVISIONS

14.1 Should any provision of this Bylaw be determined invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.

14.2 Bylaws 52-97, 62-99, 72-00, 95-06, 98-06, 108-08 are hereby repealed.

14.3 This Bylaw shall come into force upon final reading thereof.

READ a first, second and third time this 22nd day of October, 2014

“Larry Anderson”
Mayor

“Sharon Plett”
Municipal Administrator