

SUMMER VILLAGE OF WAIPAROUS
BYLAW NO 156-23

A BYLAW OF THE SUMMER VILLAGE OF WAIPAROUS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING FIRES

WHEREAS section 7 of the *Municipal Government Act*, RSA 2000 c. M-26 as amended authorizes the Council of the Summer Village of Waiparous to pass bylaws for the safety, health and welfare of people and the protection of people and property;

AND WHEREAS Council wishes to pass a bylaw regulating fires within the boundaries of the Summer Village of Waiparous;

AND WHEREAS Council wishes to provide for recovery of expenses and costs related to extinguishing fires within its boundaries;

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

1. NAME OF BYLAW

1.1. This Bylaw may be cited as the “Fire Safety Bylaw”.

2. DEFINITIONS

2.1. In this Bylaw:

- a. “CAO” means the Chief Administrative Officer for the Summer Village or their delegate;
- b. “Designated Fire Guardian” means the designated fire guardian of the Summer Village appointed pursuant to this Bylaw or their delegate;
- c. “Enforcement Officer” means a person appointed as a bylaw enforcement officer or peace officer for the Summer Village or a member of the RCMP;
- d. “Fire Control Order” means an order by the CAO or designate prohibiting Outdoor Fires as set out in this Bylaw;
- e. “Fire Department” means any fire service organization (as defined in the *Municipal Government Act*) appointed by the Summer Village from time to time for the purpose of providing Fire Services and, where the context requires, the members thereof;
- f. “Fire Permit” means a permit issued by the Designated Fire Guardian for an Open Air Fire;
- g. “Fire Pit” means an outdoor fire pit;

Bylaw 156-23 Fire Safety Bylaw

- h. “Fire Services” means fire services as defined in the *Municipal Government Act*;
- i. “Fireplace” means an outdoor fireplace;
- j. “Fireworks” means fireworks, firecrackers, pyrotechnic devices, binary explosives, or any other similar items;
- k. “Hazardous Substance” means a hazardous substance as defined in the *Environmental Protection and Enhancement Act*, RSA 2000 c. E-12, as amended or replaced from time to time;
- l. “*Municipal Government Act*” means the *Municipal Government Act*, RSA 2000 c. M-26 as amended or replaced from time to time;
- m. “Open Air Fire” means an outdoor fire which is not contained in a Fire Pit, a Fireplace, a Portable Barbecue or a Portable Fire Receptacle;
- n. “Outdoor Fire” means an Open Air Fire, a Recreational Fire, or a fire in a Portable Barbecue;
- o. “Portable Barbecue” means an appliance sold or constructed for the purpose of cooking food outdoors, normally fueled by liquefied petroleum gas (LPG), natural gas, compressed briquettes or charcoal;
- p. “Portable Fire Receptacle” means an outdoor portable fire receptacle such as a fire table or fire bowl;
- q. “*Provincial Offences Procedures Act*” means the *Provincial Offences Procedures Act*, RSA 2000 c. P-34 as amended or replaced from time to time;
- r. “Recreational Fire” means a fire in a Fire Pit, Fireplace, or Portable Fire Receptacle;
- s. “Recreational Fire Certificate” means a certificate authorizing the use of a Fire Pit, Fireplace or Portable Fire Receptacle pursuant to this Bylaw;
- t. “Summer Village” means the municipal corporation of the Summer Village of Waiparous or, where the context requires, land situated within the corporate boundaries of the Summer Village of Waiparous;
- u. “Violation Tag” means a tag issued by an Enforcement Officer allowing a person who is in breach of this Bylaw to make a voluntary payment in the place of prosecution pursuant to the *Provincial Offences Procedures Act*; and
- v. “Violation Ticket” means a violation ticket issued pursuant to the *Provincial Offences Procedures Act* and includes a violation ticket under Part 2 or Part 3 of that legislation.

3. POWERS AND AUTHORITY

- 3.1. The Fire Department is authorized to provide Fire Services within the Summer Village.
- 3.2. The position of the Designated Fire Guardian is hereby established. The Designated Fire Guardian may carry out all powers, duties and functions set out in this Bylaw for that role.
- 3.3. Without restricting any other power, duty or function granted by this Bylaw or any other legislation, the Designated Fire Guardian, the Fire Department, or both may, in an emergency, take whatever actions or measures are necessary to eliminate the emergency.

4. LANDOWNER OBLIGATIONS

- 4.1. The owner of land within the Summer Village shall maintain that land and any structures thereon in a manner which does not unduly increase the risk of a fire, including:
 - a. Storing flammable materials appropriately and away from sources of ignition; and
 - b. Not permitting waste or debris to accumulate.
- 4.2. The owner of land within the Summer Village on which a fire has occurred which caused injury or property damage shall immediately report the particulars of the fire to the Fire Department.
- 4.3. The owner of land within the Summer Village upon which Hazardous Substances have been spilled or released shall immediately report the particulars of such spill or release to the Fire Department.
- 4.4. If a fire is lit contrary to this Bylaw, it shall be immediately extinguished or, if this cannot be done safely, it shall be reported on an emergency basis to the Fire Department.
- 4.5. The owner of land within the Summer Village is responsible for ensuring that this Bylaw is complied with on that land. Any breach of this Bylaw by an occupant of land shall also be a breach of this Bylaw by the Owner, and enforcement action may be taken against the owner, occupant or both.

5. RECREATIONAL FIRES AND PORTABLE BARBECUES

- 5.1. Fire Pits, Fireplaces and Portable Fire Receptacles must:
 - a. Be at least two (2) metres away from all buildings, combustible materials, fixed combustible structures, and vegetation (excluding grass that is no more than eight (8) centimetres high but including overhanging branches and shrubs)

Bylaw 156-23 Fire Safety Bylaw

measured from the inside edge of the Fire Pit or the outside edge of the Fireplace or Portable Fire Receptacle, as applicable;

- b. Be surrounded by a non-combustible apron with a minimum width of sixty-one (61) centimeters measured from the inside edge of the Fire Pit or the outside edge of the Fireplace or Portable Fire Receptacle, as applicable and a minimum depth of fifteen (15) centimeters;
- c. Be constructed using bricks, concrete blocks, heavy gauge metal, or other non-combustible materials to the satisfaction of the Designated Fire Guardian; and
- d. Be built on a minimum depth of fifteen (15) centimeters of bare mineral soil or other non-combustible material.

5.2. In addition to the requirements set out in section 5.1, Fire Pits must:

- a. Not exceed one (1) metre in height when measured from the surrounding grade to the top of the fire pit opening; and
- b. Have a maximum opening of one (1) metre in width or diameter when measured between the widest points of the opening.

5.3. In addition to the requirements set out in section 5.1, Fireplaces must:

- a. Be equipped with a chimney that is not less than two and one half (2.5) metres in height when measured from the base of the fire burning area;
- b. Be equipped on the chimney and the vertical opening with a regulation screen designed to contain airborne sparks;
- c. Have a base of the fire burning area not less than thirty-one (31) centimeters above the surrounding grade; and
- d. Have a fire chamber that does not exceed one and twenty-five one hundredths (1.25) metres in width and is between forty (40) and sixty-one (61) centimeters in depth.

5.4. In addition to the requirements set out in section 5.1, Portable Fire Receptacles must:

- a. Be equipped with a factory-supplied wire mesh or non-combustible mesh with openings no larger than eight (8) millimeters that completely covers the opening to the fire chamber and the flue, if there is one; and
- b. In the case of Portable Fire Receptacles which are clay fire pots, have a layer of sand or gravel in the bottom to prevent burn-through.

5.5. Portable Barbecues must be kept a safe distance from all buildings, property lines, combustible materials, fixed combustible structures, and vegetation.

6. RECREATIONAL FIRE CERTIFICATES

- 6.1. The Designated Fire Guardian may issue Recreational Fire Certificates for Recreational Fires which meet the requirements of this Bylaw.
- 6.2. A request for a Recreational Fire Certificate shall be made in writing and, if a form is established for that purpose, shall be made using that form.
- 6.3. Recreational Fire Certificates are valid for three (3) years from the date of issuance.
- 6.4. At any time when a Recreational Fire is burning, the applicable Recreational Fire Certificate must be shown to the CAO, Designated Fire Guardian, or any Enforcement Officer upon demand.
- 6.5. The Designated Fire Guardian may revoke a Recreational Fire Certificate at any time if they are satisfied that there has been a breach of this Bylaw.

7. OPEN AIR FIRES

- 7.1. Open Air Fires must be at least two (2) metres away from all buildings, property lines, combustible materials, fixed combustible structures, and vegetation unless otherwise authorized in the Fire Permit.

8. FIRE PERMITS

- 8.1. The Designated Fire Guardian may establish the criteria to be met for Fire Permits and may issue Fire Permits for Open Air Fires which meet those criteria.
- 8.2. A request for a Recreational Fire Certificate shall be made in writing and, if a form is established for that purpose, shall be made using that form.
- 8.3. Fire Permits are valid for the period specified on the Fire Permit itself.
- 8.4. Any time when an Open Air Fire is burning, the applicable Fire Permit must be shown to the CAO, Designated Fire Guardian, or any Enforcement Officer upon demand.
- 8.5. The Designated Fire Guardian may revoke a Fire Permit at any time if they are satisfied that there has been a breach of this Bylaw.

9. RULES GOVERNING FIRES

- 9.1. The following requirements apply to all Recreational Fires, Open Air Fires and fires in Portable Barbecues within the Summer Village:
 - a. The fire must be kept to a reasonable size and reasonable precautions must be taken to ensure that it remains under control at all times;
 - b. A suitable means of extinguishing the fire must be readily available and within a reasonable distance from the fire;
 - c. A responsible adult must be present on the property;

Bylaw 156-23 Fire Safety Bylaw

- d. The fire must be directly supervised at all times by at least one person who is at least sixteen (16) years of age, and
- e. The fire must be completely extinguished before it is abandoned, meaning that the location of the fire is cool to the touch and there is no burning, smoking or smouldering material remaining.

10. PROHIBITIONS

- 10.1. No fire shall be started or permitted in any Fire Pit, Fireplace or Portable Fire Receptacle except in accordance with a Recreational Fire Certificate.
- 10.2. No fire may be started or permitted in any Portable Barbecue except for the purpose of cooking food.
- 10.3. No Open Air Fire shall be started or permitted except in accordance with a Fire Permit.
- 10.4. No person shall burn or cause or allow to be burned any:
 - a. Waste or refuse;
 - b. Hazardous Substances or materials which when burned may create or release Hazardous Substances; or
 - c. Materials which when burned may release dense smoke or air contaminants.
- 10.5. No Fireworks shall be discharged, fired or set off within the Summer Village.
- 10.6. The Fire Department shall not be called when no Fire Services are required, regardless of whether such call is a result of misconduct, accident or mechanical failure. For clarification, this clause shall not prohibit calls made in good faith when the person calling the Fire Department believed that Fire Services were required.
- 10.7. Fire Pits shall not be used to burn anything other than seasoned wood that is not contaminated with glue, paint stain, preservatives or other such substances.
- 10.8. Fireplaces, Portable Barbecues and Portable Fire Receptacles shall not be used to burn anything other than appropriate fuel having regard to the nature of the appliance or receptacle.
- 10.9. No person shall:
 - a. interfere with the Fire Department, CAO or Designated Fire Guardian in carrying out their powers, duties or functions pursuant to this Bylaw;
 - b. conduct an activity that involves the use of any flame or heated materials that might reasonably be expected to cause a fire except with reasonable care to prevent a fire from occurring;
 - c. cause or permit an Outdoor Fire where smoke from that fire may unduly impede visibility for vehicular or pedestrian traffic;

Bylaw 156-23 Fire Safety Bylaw

- d. dispose of any coals, embers, or other materials that have been on fire until such materials are fully extinguished and cool to the touch;
- e. provide false, incomplete, or misleading information to the Summer Village or the Fire Department with respect to a fire, release of a Hazardous Substance, or any other matter relating to this Bylaw;
- f. start or fail to extinguish an Outdoor Fire contrary to a Fire Control Order;
- g. drive a vehicle over any equipment of the Fire Department without the Fire Department's express permission;
- h. damage or destroy any equipment or property of the Fire Department or the Summer Village used in respect of Fire Services or obstruct access to any such property; or
- i. falsely represent themselves as a member of the Fire Department including but not limited to by wearing or displaying any Fire Department logos or insignia.

11. FIRE CONTROL ORDERS (FIRE BANS)

- 11.1. The CAO or designate may issue a Fire Control Order if they determine that conditions exist which increase the risk of fires becoming out of control. A Fire Control Order will remain in effect until it is lifted by the CAO or designate.
- 11.2. While a Fire Control Order is in effect, unless the Fire Control Order states otherwise:
 - a. All Fire Permits and Recreational Fire Certificates are suspended; and
 - b. All Outdoor Fires are prohibited except fires in Portable Barbecues.
- 11.3. The CAO or designate shall post notice of a Fire Control Order on the Summer Village website and shall cause such notice to remain posted until the Fire Control Order is lifted.

12. FIRE PROTECTION CHARGES

- 12.1. Where the Fire Department or the Summer Village has taken any steps to extinguish a fire on land within the Summer Village, the owner of such land shall be liable for all expenses and costs associated with such steps. Such amount shall be a debt due and owing to the Summer Village and if it is not paid within sixty (60) days after the date of the invoice or such shorter period as may be specified in the invoice, the Summer Village may add such amount to the tax roll for that land.

13. EXEMPTIONS

- 13.1. This Bylaw does not apply to the Fire Department setting fires for the purpose of training fire fighters.

Bylaw 156-23 Fire Safety Bylaw

13.2. A Fire Permit is not required for the use of a Portable Barbecue to prepare food provided that it is being used in accordance with the requirements of this Bylaw.

14. INSPECTIONS AND REMEDIATION

14.1. Without restricting any other power, duty or function granted by this bylaw or any other legislation, the Designated Fire Guardian or CAO may:

- a. On reasonable notice to the owner or occupier of land or a structure within the Summer Village and at a reasonable time, or in the event of an emergency or in extraordinary circumstances without notice and at any time;
 - i. Enter on that land or structure and carry out an inspection for compliance with this Bylaw, enforcement of this Bylaw, or any action authorized by this Bylaw;
 - ii. Request anything to be produced to assist in the inspection, remedy, enforcement or action; and
 - iii. Make copies of anything related to the inspection, remedy, enforcement or action;
- b. Issue an order pursuant to the *Municipal Government Act* to remedy any contravention of this Bylaw; and
- c. Remedy a contravention of this Bylaw following issuance of an order pursuant to the *Municipal Government Act* and the expenses and costs of any action or measure taken shall be an amount owing by the landowner to the Summer Village and if it is not paid within sixty (60) days after the date of the invoice or such shorter period as may be specified in the invoice itself, the Summer Village may add such amount to the tax roll for that land.

15. OFFENCES

15.1. Any person who:

- a. Violates any provision of this Bylaw;
 - b. Permits any act or thing to be done contrary to any provision of this Bylaw; or
 - c. Fails to do anything required to be done by any provision of this Bylaw;
- is guilty of an offence under this Bylaw.

16. PENALTIES AND ENFORCEMENT

16.1. If an Enforcement Officer believes that a person has committed an offence under this Bylaw, they may commence proceedings against that person by issuing a Violation

Bylaw 156-23 Fire Safety Bylaw

Tag setting out the voluntary payment amount as specified in Schedule A to this Bylaw.

- 16.2. If a person who receives a Violation Tag pays the voluntary payment amount set out in that Violation Tag by the date specified, that payment will be accepted in place of prosecution under the *Provincial Offences Procedures Act*.
- 16.3. Violation Tags may be served upon the person to whom it is issued by:
 - a. Personal service;
 - b. Registered mail to the address of the property owned or occupied by that person or the address shown for the owner of that property on the Land Titles certificate;
 - c. Leaving the Violation Tag with any individual who appears to be over eighteen (18) years of age at the property owned or occupied by that person; or
 - d. Posting the Violation Tag on the property owned or occupied by that person,and such service shall be deemed adequate for the purposes of this Bylaw.
- 16.4. If a person who receives a Violation Tag does not pay the voluntary payment amount set out in that Violation Tag by the date specified, an Enforcement Officer may issue a Violation Ticket to that person under the *Provincial Offences Procedures Act*.
- 16.5. Nothing in this Bylaw shall prevent an Enforcement Officer from issuing a Violation Ticket to a person without first issuing a Violation Tag.
- 16.6. If a person contravenes the same provision in this Bylaw twice within a twelve (12) month period (including where they are found guilty of such contravention by a Court or they have made payment under a Violation Tag or Violation Ticket), the specified penalty for the second contravention is double the specified penalty in Schedule A.
- 16.7. If a person contravenes the same provision in this Bylaw three times within a twelve (12) month period (including where they are found guilty of such contravention by a Court or they have made payment under a Violation Tag or Violation Ticket), the specified penalty for the third contravention is triple the specified penalty in Schedule A.
- 16.8. If a person contravenes the same provision in this Bylaw four (4) within an eighteen (18) month period (including where they are found guilty of such contravention by a Court or they have made payment under a Violation Tag or Violation Ticket), the penalty shall be as determined by the Alberta Court of Justice.
- 16.9. Notwithstanding the specified penalties, if a person contravenes a provision of this Bylaw and such contravention is sufficiently egregious that the specified penalty is inadequate, the penalty shall be as determined by the Alberta Court of Justice.

Bylaw 156-23 Fire Safety Bylaw

16.10. If any contravention of this Bylaw is of an ongoing nature, each day during which the contravention continues shall be deemed a separate contravention.

17. GENERAL PROVISIONS

17.1. Where the singular or masculine form of a term is used in this Bylaw, it includes the plural, feminine or neutral as the context may require, and *vice versa*.

17.2. The provisions of this Bylaw are severable. Should any section or part of this Bylaw be found to be unenforceable for any reason, that section or part shall be severed and the remainder of this Bylaw shall remain in effect.

17.3. Compliance with this Bylaw does not exempt any person from compliance with any other bylaws or legislation.

17.4. The schedules in this Bylaw form a part of this Bylaw.

17.5. Upon coming into force of this Bylaw, Bylaws 122-14, 124-14, 125-15 and 128-15 are hereby repealed.

17.6. This Bylaw shall come into force upon third reading thereof.

Read a first time this 25 day of September, 2023

Read a second time this 25 day of September, 2023

Read a third time this 25 day of September, 2023


Matthew Sundal, Mayor


Suzanne Gaida, Chief Administrative Officer

SCHEDULE A

PENALTIES

Section	Offence	Voluntary Payment Amount	Specified Penalty
4.1	Failing to ensure that land is maintained in a condition that does not create a fire hazard	\$400.00	\$800.00
4.2	Failing to report a fire	\$400.00	\$800.00
4.3	Failing to report a release of Hazardous Substances	\$400.00	\$800.00
4.4	Failing to extinguish or report fire lit contrary to the Bylaw	\$400.00	\$800.00
5.5	Failing to keep a Portable Barbecue a safe distance from fixed structures and other materials	\$400.00	\$800.00
7.1	Failing to keep a fire at least 2m from fixed structures	\$400.00	\$800.00
9.1a	Failing to keep a fire to a reasonable size or under control	\$400.00	\$800.00
9.1b	Failing to have an available means of extinguishing a fire	\$400.00	\$800.00
9.1c	Failing to have a responsible adult present at the property where a fire is located	\$400.00	\$800.00
9.1d	Failing to directly supervise a fire by a person who is at least 16 years of age	\$400.00	\$800.00
9.1e	Abandoning a fire that is not fully extinguished	\$400.00	\$800.00
10.1	Starting or permitting a fire without a Recreational Fire Certificate or as otherwise authorized by Bylaw	\$400.00	\$800.00
10.2	Starting a fire in a Portable Barbecue for a purpose other than cooking food	\$400.00	\$800.00

Bylaw 156-23 Fire Safety Bylaw

10.3	Starting or permitting a fire without a Fire Permit or as otherwise authorized by Bylaw	\$400.00	\$800.00
10.4	Burning any prohibited materials	\$400.00	\$800.00
10.5	Discharging, firing or setting of Fireworks	\$400.00	\$800.00
10.6	Causing or permitting the Fire Department to be called out when no Fire Services are required	\$400.00	\$800.00
10.7	Burning any item other than seasoned firewood in a Fire Pit	\$400.00	\$800.00
10.8	Using inappropriate fuel in a Portable Barbecue, Fireplace or Portable Fire Receptacle	\$400.00	\$800.00
10.9a	Interfering with the Fire Department, CAO or Designated Fire Guardian	\$400.00	\$800.00
10.9b	Failing to take reasonable care when using flame or heated materials	\$400.00	\$800.00
10.9c	Setting a fire where smoke may unduly impede vehicular or pedestrian traffic	\$400.00	\$800.00
10.9d	Disposal of materials that are not fully extinguished	\$400.00	\$800.00
10.9e	Providing false, incomplete or misleading information	\$400.00	\$800.00
10.9f	Failing to comply with a Fire Control Order	\$400.00	\$800.00
10.9g	Driving a vehicle over property of the Fire Department	\$400.00	\$800.00
10.9h	Damaging, destroying or obstructing fire protection equipment	\$400.00	\$800.00
10.9i	Falsely representing self as a member of the Fire Department	\$400.00	\$800.00