

**SUMMER VILLAGE OF BIRCHCLIFF  
BYLAW 168-12**

*A bylaw of the Summer Village of Birchcliff, in the Province of Alberta, for the purpose of regulating burning.*

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26 as amended of the Province of Alberta provides that a Municipal Council may by Bylaw provide for safety, health and welfare of people and the protection of people and property;

WHEREAS Council of the Summer Village of Birchcliff deems it expedient and in the public's interest to pass a bylaw to regulate and enforce burning within the Summer Village of Birchcliff;

NOW THEREFORE the Municipal Council of the Summer Village of Birchcliff duly assembled enacts as follows:

**SHORT TITLE**

1. This Bylaw shall be cited as "Burning and Fire Pit Bylaw."

**DEFINITIONS**

2. In this Bylaw, including this section, unless the context otherwise requires:
  - a) "Act" means the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 as amended, and any amendment or substitutes there of.
  - b) "Council" means the Municipal Council of the Summer Village of Birchcliff.
  - c) "Director of Disaster Services" means the person appointed by the Summer Village to that position and includes any person appointed by the Director of Disaster Services to act as such Director's delegate for the purposes of this Bylaw.
  - d) "Fire Department" means any responding Fire Department.
  - e) "Municipal Ticket" means a form prescribed by the Chief Administrative Officer of the Summer Village or his/her delegate allowing for voluntary payment to the Summer Village of a fine amount established by this Bylaw.
  - f) "Open Fire" means any fire that is not contained within a fire pit or stationary barbecue.
  - g) "Peace Officer" means:
    - i) a member of the Royal Canadian Mounted Police;
    - ii) a Bylaw Officer as appointed by the Summer Village to enforce bylaws of the Summer Village; or
    - iii) a Special Constable as appointed by the Solicitor General of Alberta to enforce the bylaws of the Summer Village of Birchcliff.
  - h) "Summer Village" means the Summer Village of Birchcliff.

**FIRE PITS**

3. Fire pits should follow the below mentioned recommendations:
  - a) the exception to these recommendations should be in areas where front and side areas are the only possible locations for a fire pit;

- b) a minimum of 3.4 meters (10 feet) clearance from buildings, property lines and combustible materials measured from the nearest fire pit edge or as recommended by the Administrator or Director of Disaster Services of their designates;
  - c) be constructed of bricks, concrete blocks, heavy gauge metal or other non-combustible components;
  - d) have a spark arrestor mesh screen of 1.30 centimetres (.50 inches) expanded metal (or equivalent) to contain spark over the fire at all times;
  - e) be the sole responsibility of the owner or occupier of the property;
  - f) burn only charcoal briquettes, propane, natural gas or wood products that are not contaminated with glue, paint, stain or other preservatives;
  - g) have flames no higher than ninety (90) cm (approx. 3.5 ft) above the top of the surrounding grade of the fire pit.
4. Any person who starts a propane, natural gas or charcoal barbecue or starts a fire in a fire pit that complies with Section 3 herein, shall:
- a) remain in charge, or keep a competent person in charge, of the barbecue or fire.
5. Any person in charge of a barbecue or fire pit shall ensure that the same:
- a) does not create a risk or hazard to persons or to other properties;
  - b) does not create a nuisance, which is offensive to any other person;
  - c) is completely extinguished before supervision of the barbecue or fire ends.
6. Any person who starts a fire, or who is in charge of a fire, on property owned or occupied by that person, shall, upon demand, pay to the Summer Village any and all costs incurred by the Summer Village to extinguish such fire when, in the opinion of a Peace Officer, Director of Disaster Services or the Administrator, the fire is a hazard to persons or to other properties.

**OPEN AIR FIRES**

7. With the exception of propane, natural gas or charcoal barbecues, fire pits that comply with Section 3 herein, burning in provincial or municipal owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Summer Village.

**FIRE BANS**

8. The Council or their delegates may enact a Fire Ban within the Summer Village at their discretion.
9. No person shall start a fire at any place within the corporate limits of the Summer Village at any time while a Fire Ban is in place.

**COST RECOVERY**

10. a) Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call, false alarm or incident for the purpose of preserving life or property from injury or destruction by fire or other incident on land, the Administrator designate may, in respect of any costs incurred in taking such action, charge any cost so incurred to the person who caused the fire, or to the owner or occupier of the land in respect of which the action was taken, pursuant to this Bylaw.
- b) The costs to be charged by the Administrator for services rendered pursuant to this Bylaw are attached to and form part of this Bylaw as Schedule "A";
- c) In respect of any costs or fees levied or charged under this Bylaw:
  - i) The Summer Village may recover such costs or fees as a debt due and owing to the Summer Village; and
  - ii) In default of payment, where permitted by the Municipal Government Act, add the amounts to the tax roll of a parcel of land.

**PENALTIES**

11. a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to the penalties set out in Schedule "B" which is attached to and forms part of this Bylaw.
- b) If a person is issued a Municipal Ticket in respect of an offence, they may pay the fine amount established by this Bylaw for the offence at the Summer Village Administration Office located at 90B Hewlett Park Landing, Sylvan Lake, Alberta T4S 2J3 and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- c) A Peace Officer, Director of Disaster Services or the Fire Chief is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer, Director of Disaster Services or the Fire Chief has reasonable grounds to believe has contravened any provision of this Bylaw.

**SEVERABILITY & REPEAL**

12. a) If any part of this Bylaw is found to be invalid, then that part shall be severed and the remaining Bylaw shall be maintained.

**FIREWORKS**

13. No person shall purchase, possess, handle, discharge, fire or set off fireworks within the Summer Village of Birchcliff unless he holds a permit signed by the Fire Service. Permits will only be issued for the discharge of professional fireworks and discharged by professional pyrotechnicians as accredited by Natural Resources Canada in accordance and pursuant to the Alberta Fire Code.

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Read a First Time in Council assembled this 17<sup>th</sup> day of May, 2012.

Read a Second Time in Council assemble this 17<sup>th</sup> day of May, 2012.

Read a Third time in Council assembled and passed this 17<sup>th</sup> day of May, 2012.

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Mayor

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Administrator

**SCHEDULE A**

**COST RECOVERY**

The Fire Department may charge:

1. \$250.00 per hour per unit dispatched; and
2. The Cost of replacement of equipment and/or materials used, lost or damaged as a result of the response.

**SCHEDULE B**

**PENALTIES**

<b>SECTION</b>	<b>OFFICE DESCRIPTION</b>	<b>PENALTIES</b>
4	Non-supervision of fire 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	\$100.00 \$250.00 + recovery costs as per Schedule A
5	Creating a risk, nuisance or not extinguishing fire 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	\$100.00 \$250.00 + recovery costs as per Schedule A
7	Open air fire 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	\$100.00 \$250.00 + recovery costs as per Schedule A
9	Fire during a Fire Ban 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	\$200.000 \$350.00 + recovery costs as per Schedule A
13	Purchase, possess, handle discharge, fire or set off fireworks 1 <sup>st</sup> offence 2 <sup>nd</sup> & subsequent Offences	\$100.00 \$250.00

