

SUMMER VILLAGE OF BIRCHCLIFF BURNING AND FIRE PIT BYLAW BYLAW 247-23

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 the 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:

1. **SHORT TITLE**

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

2. **DEFINITIONS**

2.1 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 thereof.
- b) ***"Building Waste"*** means any clean scrap wood produced in the process of constructing, altering, or repairing a building.
- c) ***"Consumer Fireworks"*** means consumer fireworks classified as such under the Explosives Regulations, 2013, as amended from time to time, including outdoor, low hazard, consumer fireworks, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes, and sparklers.
- d) ***"Council"*** means the Municipal Council of the Summer Village of Birchcliff.
- e) ***"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.
- f) ***"Discharge"*** means to fire, ignite, explode, or set-off or cause to be fired, ignited, exploded or set-off.
- g) ***"Extinguish"*** means to apply something to make a fire stop burning, such as but not limited to, water, sand, or dirt until the hissing sound of the embers dies out entirely.
- h) ***"Fire Ban"*** means a prohibition on all burning, including the discharge of all fireworks within the summer village.

- i) **“Fire Department”** means any responding Fire Department.
- j) **“Fire Pit”** includes a permanently affixed outdoor fire receptacle.
- k) **“Fireworks”** means a device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited, used typically for display or in celebrations.
- l) **“Garden Waste”** means shrubbery and tree pruning, weeds, grass trimmings, roots, tree stumps, turf, and similar vegetation.
- m) **“Hazard”** means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance.
- n) **“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.
- o) **“Nuisance”** means causing smoke which unreasonably affects the comfort or convenience of an individual and includes interference with use and enjoyment of property.
- p) **“Open Fire”** means any fire that is not contained within a fire pit or stationary barbecue.
- q) **“Outdoor Fireplace”** means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue and is constructed of brick, rock, other masonry material or metal and has not been constructed as part of a building.
- r) **“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.
- s) **“Portable Fire Receptacle”** means an outdoor fire receptacle which is not permanently affixed.
- t) **“Summer Village”** means the Summer Village of Birchcliff.
- u) **“Waste”** includes:
 - i) any rubbish, refuse, garbage, paper, packaging, pallets, containers, bottles, cans, rags, clothing, petroleum products, manure, human or animal excrement, sewage or the whole or part of any animal carcass;
 - ii) the whole or a part of any article, raw or processed material, vehicle or other machinery that is disposed of;
 - iii) animal or vegetable matter, including materials resulting from the handling, preparation, cooking, consumption, and storage of food;

- iv) building waste;
- v) garden waste;
- vi) anything that is designated as waste in the regulation under the *Environmental Protection & Enhancement Act*, (1992) S.A., Chapter E 13.3.

3. FIRE PITS, OUTDOOR FIREPLACE, PORTABLE FIRE RECEPTACLE & BBQ

3.1 Fire pits must follow the below mentioned recommendations:

- a) the exception to these recommendations may 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 or 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 and should be 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. 3.0 ft) above the top of the surrounding grade of the fire pit.

3.2. 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.

3.3 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.

3.4 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.

4. OPEN AIR FIRES

- 4.1 Open air fires are not permitted with the exception of propane, natural gas or charcoal barbecues, fire pits that comply with Section 3 herein, burning in campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Summer Village.

5. FIRE BANS

- 5.1 The Council or their delegates may enact a Fire Ban within the Summer Village at their discretion.
- 5.2 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.

6. FIREWORKS

- 6.1 No person shall purchase, possess, handle, discharge, fire or set off fireworks within the Summer Village of Birchcliff unless the owner 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.

7. COST RECOVERY

- 7.1 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, or his/her 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.
- 7.2 In respect of any costs or fees levied or charged under this Bylaw:
- a) The Summer Village may recover such costs or fees as a debt due and owing to the Summer Village; and
 - b) In default of payment, where permitted by the Municipal Government Act, add the amounts to the tax roll of a parcel of land.

8. PENALTIES

- 8.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to the penalties set out in Schedule "A" which is attached to and forms part of this Bylaw.
- 8.2 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 and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- 8.3 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.

9. SEVERABILITY & REPEAL

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

9.2 Bylaw #168-12 is hereby rescinded upon 3rd and final reading.

Read a First time in Council assembled this 18th day of May 2023.

Roger Dufresne, Mayor

Tanner Evans, Administrator

Read a Second time in Council assemble this 15th day of June 2023.

Read a Third and Final time in Council assembled and passed this 15th day of June 2023.

Roger Dufresne, Mayor

Tanner Evans, Administrator

SCHEDULE A

PENALTIES

SECTION	OFFICE DESCRIPTION	PENALTIES
3.2	non-supervision of fire 1 st offence 2 nd offence 3 rd offence	\$250.00 \$500.00 + recovery costs as per Schedule A \$1,000.00 + recovery costs as per Schedule A
3.3	Creating a risk, nuisance. or not extinguishing fire 1 st offence 2 nd offence 3 rd offence	\$250.00 \$500.00 + recovery costs as per Schedule A \$1,000.00 + recovery costs as per Schedule A
4	Open air fire 1 st offence 2 nd offence 3 rd offence	\$250.00 \$500.00 + recovery costs as per Schedule A \$1,000.00 + recovery costs as per Schedule A
5	Fire during a Fire Ban 1 st offence 2 nd offence 3 rd offence	\$500.00 \$1,000.00 + recovery costs as per Schedule A \$5,000.00 + recovery costs as per Schedule A
6	Purchase, possess, handle, discharge, fire or set off fireworks 1 st offence 2 nd offence 3 rd offence	\$500.00 \$1,00.00 \$5,000.00