

SUMMER VILLAGE OF NORGLIWOLD BURNING AND FIRE PIT BYLAW BY-LAW #278-23

A bylaw of the Summer Village of Norglenwold, 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 Norglenwold deems it expedient and in the public's interest to pass a bylaw to regulate and enforce burning within the Summer Village of Norglenwold;

NOW THEREFORE the Municipal Council of the Summer Village of Norglenwold 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, as amended, and any amendment or substitutes thereof.
 - b) "**Administrator**" means the Chief Administrative Officer of the Summer Village.
 - c) "**Building Waste**" means any clean scrap wood produced in the process of constructing, altering, or repairing a building.
 - d) "**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.
 - e) "**Council**" means the Municipal Council of the Summer Village of Norglenwold.
 - g) "**Discharge**" means to fire, ignite, explode, or set-off or cause to be fired, ignited, exploded or set-off.
 - h) "**Display Fireworks**" means fireworks that are designed for professional use and are classified as

high hazard within the Explosives Act. These include larger items such as aerial shells, cakes, barrages, waterfalls, lances, set pieces and wheels.

- i) **“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.
- j) **“Fire Ban”** means a prohibition on all burning, including the discharge of all fireworks within the summer village.
- k) **“Fire Department”** means any responding Fire Department.
- l) **“Fire Pit”** includes a permanently affixed outdoor fire receptacle.
- m) **“Garden Waste”** means shrubbery and tree pruning, weeds, grass trimmings, roots, tree stumps, turf, and similar vegetation.
- n) **“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.
- o) **“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.
- p) **“Nuisance”** means causing smoke which unreasonably affects the comfort or convenience of an individual and includes interference with use and enjoyment of property.
- q) **“Open Air Fire”** means any fire that is not contained within a fire pit or stationary barbecue.
- r) **“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.
- s) **“Peace Officer”** means:
 - i) a member of the Royal Canadian Mounted Police;
 - ii) The Director of Emergency Management for the Summer Village;
 - 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 Norglenwold.

- t) **“Portable Fire Receptacle”** means an outdoor fire receptacle which is not permanently affixed.
- u) **“Summer Village”** means the Summer Village of Norglenwold.
- v) **“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 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 shall adhere to the following requirements:

- a) the exception to these recommendations should be in areas where front and side areas, as defined in the Land Use Bylaw, 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 a Peace Officer or their designates;
- c) be constructed of bricks, concrete blocks, heavy gauge metal or other non-combustible components;
- d) must have a spark arrestor mesh screen of 1.30 centimetres (.50 inches) expanded metal (or equivalent) on hand at all times to contain spark over the fire;
- 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;
 - c) is completely extinguished before supervision of the barbecue or fire ends;
 - d) the burning of waste, as defined in this bylaw, is not permitted.
- 3.4. A person who starts a fire or who is in charge of a fire 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, 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.

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.
- 5.3 A Peace Officer may direct a person to extinguish any fire when a fire ban is in place.
- 5.4 A person who fails to comply with the direction of a Peace Officer to extinguish a fire during a fire ban is guilty of an offence and the fire may be extinguished.

6. FIRE WORKS

- 6.1 Consumer fireworks are designed for outdoor recreational use and are permitted in the Summer Village of Norglenwold.
- 6.2 No person shall discharge consumer fireworks within the corporate limits of the Summer Village of Norglenwold at a time when a fire ban is in place.
- 6.3 When using fireworks, residents must follow the following safety procedures:
- a) Fireworks must be kept in a cool, dry, ventilated place out of the reach of children and away from flammable substances and sources of ignition.
 - b) When igniting fireworks, you must have a fire extinguisher rated no less than 2-A in the immediate area, or a water source available on site.
 - c) Fireworks must not be discharged from, on, or over public land, municipal or environmental reserves, or from or over any roadway or road allowance.
 - d) Fireworks must not be discharged within 10 meters of any building, tent, trailer, canvas shelter, motor vehicles or trees.
 - e) Fireworks must not be discharged within 10 meters of a property line or over a property line.
 - f) Fireworks must not be discharged within 200 meters of any place where there may be explosives, or flammable or combustible liquids.
 - g) Fireworks must be set off at an angle pointing away from people, structures, and vehicles.
 - h) Fireworks are only permitted to be discharged by an adult over the age of 18 years.
 - i) Fireworks must be soaked in water before disposal in any garbage receptacle.
- 6.4 It is the responsibility of a person who ignites fireworks, or who is in charge of fireworks, to clean up all waste and debris left behind after the ignition of fireworks.
- 6.5 It is the responsibility of a person who ignites fireworks, or who is in charge of fireworks, for any or all costs incurred due to fire or damage to personal or municipal property as a result of the discharging of fireworks.
- 6.6 A Peace Officer may direct a person to discontinue the ignition of fireworks if, in their opinion, the fireworks are being discharged in an unsafe or hazardous manner.

- 6.7 A person who fails to comply with the direction of a Peace Officer to discontinue the ignition of fireworks, is guilty of an offence and the Peace Officer may confiscate such fireworks and/or impose a penalty as per Schedule "A" of this bylaw.
- 6.8 Fireworks may not be discharged after 11:00 p.m. as not to cause noise or disturbance that annoys or disturbs the peace of any other person as outlined in the Community Standards Bylaw.
- 6.9 Display fireworks (commercial) are not permitted in the Summer Village of Norglenwold.

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 or 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, and/or to the owner or occupier of the land in respect of which the action was taken, pursuant to this Bylaw all of whom are jointly and severable liable for cost recovery.
- 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 the owners of a parcel of land that caused the fire or incident.

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 is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Peace Officer 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 #205-12 is hereby rescinded upon 3rd and final reading.

Read a First Time in Council assembled this 15th day of December 2023.

Read a Second Time in Council assemble this 15th day of December 2023.

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

Cyril Gurevitch, K.C., Mayor

Tanner Evans, Administrator

SCHEDULE "A"

PENALTIES

SECTION	OFFENCE DESCRIPTION	PENALTIES
3.2	Non-supervision of fire	
	1 st offence	\$250.00
	2 nd offence	\$500.00 + recovery costs as per section 7
	3 rd offence	\$1,000.00 + recovery costs as per section 7
3.3	Creating a risk, nuisance or not extinguishing fire	
	1 st offence	\$250.00
	2 nd offence	\$500.00 + recovery costs as per section 7
4	Open air fire	
	1 st offence	\$250.00
	2 nd offence	\$500.00 + recovery costs as per section 7
	3 rd offence	\$1,000.00 + recovery costs as per section 7
5	Fire during a Fire Ban	
	1 st offence	\$500.00
	2 nd offence	\$1,000.00 + recovery costs as per section 7
	3 rd offence	\$5,000.00 + recovery costs as per section 7
6.2	Igniting fireworks during a Fire Ban	
	1 st offence	\$500.00
	2 nd offence	\$1,000.00 + recovery costs as per section 7
	3 rd offence	\$5,000.00 + recovery costs as per section 7
6.3 (all clauses)	Igniting fireworks during unsafe conditions	
	1 st offence	\$250.00
	2 nd offence	\$500.00 + recovery costs as per section 7
	3 rd offence	\$1,000.00 + recovery costs as per section 7
6.6	Failure to discontinue igniting fireworks as directed	
	1 st offence	\$500.00
	2 nd offence	\$750.00 + recovery costs as per section 7
	3 rd offence	\$1,000.00 + recovery costs as per section 7