

BYLAW NO. 03-2010 TOWN OF VEGREVILLE

THIS BYLAW BEING BYLAW NO. 03-2010 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING AN OPEN AIR RECREATIONAL FIRE BYLAW.

WHEREAS, under the provisions of the **Municipal Government Act**, S.A. 1994, c. M-26.1 as amended, the Council of a municipality may pass Bylaws for the safety, health and welfare of people, the protection of people and property, the prevention of nuisances, and, for services provided by or on behalf of a municipality; and

WHEREAS, under the provisions of the **Municipal Government Act**, the Council of the Town of Vegreville wishes to regulate the use of open air recreational fires for the purpose of fire safety and to control the nuisance effect of such fires;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF VEGREVILLE ENACTS AS FOLLOWS:

This Bylaw may be cited as the "Open Air Recreational Fire Bylaw".

1. DEFINITIONS

- 1.1 "Acceptable Fuel" means material that can be burned during an open air recreational fire. This includes:
 - a) clean, dry wood;
 - b) charcoal; and
 - c) synthetic logs
- 1.2 "Burning Season" means year round use of open air recreational fires.
- 1.3 "Peace Officer" means a member of the Royal Canadian Mounted Police, or a Community Peace Officer appointed pursuant to the provisions of the *Peace Officer Act*, Revised Statutes of Alberta 2006, Chapter P- 3.5, and all amendments or successors thereto.
- 1.4 "Council" means the Council of the Town of Vegreville.
- 1.5 "Designate" means any member of the Vegreville Fire Department designated as a Safety Codes Officer in the fire discipline under section 27 of the *Safety Codes Act*, being Chapter S-0.5 of the Statutes of Alberta 1991 with amendments.
- 1.6 "Fire" means any combustible material in a state of combustion.
- 1.7 "Fire Chief" means the individual appointed by Council as the director of fire services and may include, at the discretion of the Fire Chief, other members of the Vegreville Fire Department as designated.

- 1.8 **"Fire Hazard"** means any condition, circumstance or event wherein the possibility of fire is increased.
- 1.9 **"Fire Permit"** means a document issued by the Fire Department, under the authority of Council, pursuant to this Bylaw.
- 1.10 **"Fire Protection"** means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, and training.
- 1.11 **"Fire Services Charge"** means any or all costs incurred by the Vegreville Fire Department in providing fire services.
- 1.12 **"Inspector"** means a Safety Codes Officer in the fire discipline, any member of the Vegreville Fire Department, or a Community Peace Officer authorized by Council to conduct an inspection pursuant to this Bylaw.
- 1.13 **"Municipality"** means the Town of Vegreville.
- 1.14 **"Nuisance"** means any condition on or around a property that is dangerous to the safety or health of individuals, or which interferes with the use or enjoyment of other property.
- 1.15 **"Open Air Fire"** means any fire not contained within a building or structure, but does not include industrial flare stacks or portable barbecue device.
- 1.16 **"Outdoor Fireplace"** means a fireplace installed in accordance with this Bylaw.
- 1.17 **"Occupant"** means a person using a property and includes an owner, tenant, agent and any other person who has the right of access to the property.
- 1.18 **"Portable Barbecue Device"** means any appliance sold or constructed for the sole purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas (LPG), natural gas, compressed or charcoal briquettes.
- 1.19 **"Prohibited Material"**, as defined by the Substance Release Regulation AR - 124/93, pursuant to the *Alberta Environment Protection and Enhancement Act*, means any combustible waste that when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic substances, including but not limited to:
- a. Animal waste products or parts;
 - b. Pathological waste;
 - c. Tires;
 - d. Rubber or plastic or anything containing or coated with rubber or plastic;
 - e. Wood products containing oil substances i.e: railway ties, or wood products for the purpose of preserving wood;
 - f. Non-wooden materials;
 - g. Grass, leaves, straw and stubble; or
 - h. Household refuse.
- 1.20 **"Property"** means any real or personal property which, without limiting the generality of the foregoing, includes land, buildings or structures.

- 1.21 "Recreational Fire" means an open air fire of relatively short duration used for the recreational purposes.
- 1.22 "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 1988, c P-21.5, as amended, and Regulations there under.

2. FIRE PERMITS AND NON-APPLICATION OF BYLAW

- 2.1 Permits are required for all open air fires or fire places in accordance with this Bylaw.
- 2.2 An application for these permits shall be made in writing to the Fire Chief or, in his or her absence, a designate, and shall be accompanied by the appropriate permit fee.
- 2.3 Upon receipt of an application, the Fire Chief or, in his or her absence, a designate, shall consider the fire permit application and may in their discretion:
- a. Refuse to grant a fire permit;
 - b. Grant a fire permit with or without terms and conditions as deemed appropriate; or
 - c. Determine that a fire permit is not required.
- 2.4 Each application for a fire permit must contain the following information:
- a. Name, address and phone number of the applicant;
 - b. Business license number (if applicable);
 - c. Name and address of the owner of the property if different from name on application;
 - d. Legal description and/or civic address of the property on which the permit exists;
 - e. Type of open air recreational fire appliance to be installed;
 - f. Precautions, if any, that will be taken by the applicant to ensure that the proposed fire remains under their control;
 - g. Signature of the applicant; and
 - h. Written consent of the property owner, where different from the applicant.
- 2.5 The Fire Chief may require that an Inspector examine the property prior to the issuance of a fire permit.
- 2.6 Fire permits issued pursuant to this Bylaw are valid for such period of time as shall be determined by the Fire Chief or designate and as noted on the fire permit.
- 2.7 The Fire Chief or designate may extend the period of time for which the fire permit is valid.
- 2.8 The Fire Chief or designate may for cause, in their discretion, suspend or cancel a fire permit or impose additional conditions to a fire permit at any time.
- 2.9 Notification of suspension or cancellation of a fire permit shall be made by telephone, or in person, to the fire permit holder and shall be confirmed by providing written notice of such suspension or cancellation to the holder of the fire permit.

2.10 A fire permit shall not be required under this Bylaw to conduct:

- a. Cooking of food using a portable barbecue device;
- b. Burning in municipal campgrounds where outdoor fireplaces, fire pits and stoves have been provided by the municipality and approved by the Fire Chief;
- c. Burning by the Fire Department for the purpose of training; and,
- d. Burning by the Fire Department or by Alberta Environmental Protection for the purpose of fire hazard abatement.

2.11 The Fire Chief or designate may by fire permit, allow an open air fire, of acceptable fuel, subject to the following:

- a. All materials to be burned originate from the property for which the fire permit is issued;
- b. Non-salvageable timber, which has been allowed to dry for at least one year;
- c. Weather conditions immediately prior to and during the burning are such as to ensure control of such fire and maintain acceptable smoke levels as determined by the Fire Chief ;and,
- d. Except as otherwise provided for in this Bylaw, a competent person must be present at all times; be 18 years of age or older; and provided with adequate means of extinguishing the fire within one hour of any weather change that may threaten levels or conditions set forth in Section 2.11c noted above.

2.12 A fire permit is not transferable.

3. FIRE PITS

3.1 Except where otherwise accepted by the Fire Chief, fire pits must adhere to the following regulations;

- a. The owner or occupant of the property shall possess an open air recreational fire permit;
- b. Shall be constructed of non-combustible materials;
- c. Shall be covered by a spark arrestor mesh or grate with openings not to exceed 1.3 centimeters (1/2 inch) in any dimension;
- d. Shall not be located closer than 3 meters (10 feet) from a property line and any combustible material including but not limited to, buildings, structures, fences, trees and patio decks;
- e. Shall not be located less than 1 meter (3 feet) laterally and 5 meters (16 feet) vertically from an overhead utility line;
- f. Does not exceed 46 centimeters (18 inches) in height; and
- g. Does not exceed 61 centimeters (24 inches) in diameter.

4. CHIMINEA AND PORTABLE FIRE PLACES/STOVES

4.1 Except where otherwise accepted by the Fire Chief, fire pits must adhere to the following regulations;

- a. The owner or occupant of the property shall possess an open air recreational fire permit;
- b. Shall not be used indoors or on balconies;
- c. If placed on a wooden deck shall be on a non-combustible surface with a 40 centimeter (16 inch) clearance around the appliance and a minimum 30 centimeters (12 inches) in height from the base;

- d. If placed on the ground there shall be a 40 centimeter (16 inch) clearance around the appliance from combustible materials and a minimum 30 centimeters (12 inches) in height from the base;
- e. The fire box shall not exceed 76 centimeters (30 inches) in width and shall be between 40 centimeters (16 inches) and 61 centimeters (24 inches) in depth; and
- f. Fire places shall have a secured chimney no less than 2.4 meters (8 feet) in height.

5. FIRE SERVICES CHARGES

- 5.1 Upon providing fire services on property within the Town of Vegreville boundaries, to any of the types of fire governed by this Bylaw, in its absolute discretion, the Town of Vegreville may charge:
 - a. The person causing or contributing to the fire;
 - b. The owner or occupant of the property; or
 - c. Both (a) and (b).
- 5.2 All persons charged are jointly and severally responsible for the fire services charge.
- 5.3 The owner of property to which fire services are provided is liable for the costs incurred. In default of payment of the fire services charge, the Town of Vegreville may add the fire services charge to the tax roll of the said land, which forms a special lien against the land in favor of the Town of Vegreville, from the date it was added to the tax roll.

6. CONTROL OF FIRE HAZARD

- 6.1 If the authority having jurisdiction finds within the Town of Vegreville boundaries, on privately owned or occupied public land, conditions governed by this Bylaw, that, in its opinion, constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the fire hazard within a fixed time in a manner prescribed by the Town of Vegreville.
- 6.2 If authority having jurisdiction finds that the order it made pursuant to Section 6.1 has not been carried out, a designated officer may enter onto the land with any equipment and any person he or she considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- 6.3 The owner or occupant of the land on which work was performed pursuant to Section 6.2 shall, upon demand, pay to the Town of Vegreville a fire services charge as specified in Schedule A, Section 2.

7. OFFENCES

- 7.1 No person(s) shall ignite or permit to be ignited an open air fire without a valid fire permit, except as permitted by Section 2.10 of this Bylaw.
- 7.2 No person(s) shall burn or permit to be burned any material identified as prohibited debris.
- 7.3 No person(s) shall burn or permit to be burned any materials resulting from the demolition or construction of buildings or structures, unless the materials meet the requirements of acceptable fuel.

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- 7.4. No person(s) shall ignite or permit to be ignited a fire on the property of another without the written consent of the owner of the property.
- 7.5. No person(s) shall deposit, discard or leave any burning matter or substance where it might ignite any other material and cause a fire.
- 7.6. No person(s) shall provide false, incomplete or misleading information to the municipality or the Fire Department on, or with respect to, a fire permit or fire permit application.
- 7.7. No person(s) shall light a fire or permit a fire to be lit without first taking sufficient precautions to ensure that the fire can be kept under control at all times, not create smoke obscuration levels in excess of those noted in 2.11.c, or otherwise create a nuisance to occupied properties.
- 7.8. No person(s) shall light a fire or permit a fire to be lit when the weather conditions are conducive to create a fire that burns out of control, causes smoke obscuration in inhabited areas in excess of those noted in 2.11.c, or otherwise creates a nuisance to occupied properties.
- 7.9. No person(s) shall fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a fire burning out of control or from spreading onto property other than his or her own.
- 7.10. No person(s) shall conduct any activity that involves the use of a fire, where smoke from the fire impedes visibility of vehicular traffic and pedestrian traffic on any highway, as defined in the *Traffic Safety Act*, R.S.A. 2000, c.T-6.
- 7.11. No person(s) shall light a fire on lands owned or controlled by the municipality, except with the municipality's express written consent, or as permitted by Section 2.10 of this Bylaw.
- 7.12. No person(s) shall conduct an activity that involves the use of a flame that might reasonably be expected to cause a fire, unless that person exercises reasonable care to prevent the fire from occurring.

8. PENALTIES AND ENFORCEMENT

- 8.1. Every person who contravenes any of the provisions of this Bylaw is guilty of an offence.
- 8.2. A person who obstructs a Peace Officer or Inspector in the lawful execution of their duties is guilty of an offence and liable to a fine of not more than \$5,000.00 dollars and in default of payment to a term of imprisonment of not more than 60 days.
- 8.3. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 8.4. When a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, or from laying information instead of issuing a violation ticket.

9. SCHEDULES

9.1 Schedules "A" and "B" may be changed by resolution of Town Council from time to time.

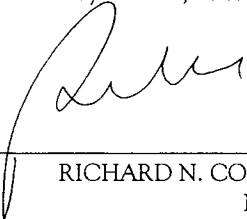
10. EFFECTIVE DATE OF BYLAW

10.1 This Bylaw comes into force on the day it is finally passed.

READ for a first time this 12th Day of April, 2010 A. D.

READ for a second time this 10th Day of May, 2010 A.D.

READ for a third time 10th Day of May, 2010 A.D.



RICHARD N. COLEMAN
MAYOR



CLIFF CRAIG
CORPORATE SERVICES DIRECTOR

SCHEDULE "A"

Schedule of Fines, Fire Services Charge and Permit Fees

1. SCHEDULE OF FINES

SECTION	OFFENCE	PENALTY
7.1	Igniting fire without valid fire permit.	\$100.00
	(a) second offence within one year.	\$250.00
	(b) third offence within one year.	\$500.00
7.2	Burning prohibited debris.	\$100.00
	(a) second offence within one year.	\$250.00
	(b) third offence within one year.	\$500.00
7.3	Burning demolition/construction materials.	\$100.00
	a) second offence within one year.	\$250.00
	b) third offence within one year.	\$500.00
7.4	Lighting fire on property without owner consent.	\$100.00
	a) second offence within one year.	\$250.00
	b) third offence within one year.	\$500.00
7.5	Deposit, discard, or leave burning matter/substance which ignites other material.	\$100.00
	a) second offence within one year.	\$250.00
	b) third offence within one year.	\$500.00
7.6	Providing false, incomplete or misleading information on fire permit application.	\$100.00
	a) second offence within one year.	\$250.00
	b) third offence within one year.	\$500.00
7.7	Igniting fire causing smoke obscuration or nuisance to occupied properties.	\$100.00
	a) second offence within one year.	\$250.00
	b) third offence within one year.	\$500.00
7.8	Igniting fire during weather conditions conducive to causing fire to burn out of control.	\$100.00
	a) second offence within one year.	\$250.00
	b) third offence within one year.	\$500.00
7.9	Failing to take reasonable steps to control fire.	\$100.00
	a) second offence within one year	\$250.00
	b) third offence within one year	\$500.00
7.10	Activity using fire, whereby smoke impedes the visibility of vehicular and pedestrian traffic on any highway, as defined in the Traffic Safety Act, R.S.A. 2000, c.T-6.	\$100.00
	a) second offence within one year	\$250.00
	b) third offence within one year	\$500.00

SCHEDULE "A" - continued

Schedule of Fines, Fire Services Charge and Permit Fees

SCHEDULE OF FINES- continued

SECTION	OFFENCE	PENALTY
7.11	Igniting fire on lands owned or controlled by municipality without express written consent or permitted by 2.10 of this Bylaw.	\$100.00
	a) second offence within one year	\$250.00
	b) third offence within one year	\$500.00
7.12	Conducting an activity that involved the use of a flame which caused fire to burn out of control without taking reasonable care to prevent the fire from occurring.	\$100.00
	a) second offence within one year	\$250.00
	b) third offence within one year	\$500.00

2. FIRE SERVICES CHARGE

If fire services are required relating to any offense of this Bylaw, then the penalty shall include the costs associated with the municipal fire response as described below:

The Fire Services Charge is based on the Provincial rate:

2.1 \$400.00/unit/hour

2.2 Minimum one hour will be charged

3. PERMIT FEES

Fees cover costs of administration and inspections.

3.1 \$25.00/permit

3.2 Permits are not transferrable

3.3 Permits may be revoked at any time by the authority having jurisdiction.

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SCHEDULE "B"



Town of Vegreville

"Ordinary People Doing Extra Ordinary Things"

Emergency Services
Bldg. (780) 632-2254
Fax (780) 632-2629
www.vegfireescue.com
Emergency 911

Emergency Services

5100-60 Street
Box 640
Vegreville, Alberta
T9C 1R7

OPEN AIR RECREATIONAL FIRE BYLAW

PERMIT APPLICATION

The Town of Vegreville and Vegreville Emergency Services reserves the right to regulate and control the design, construction materials and safety precautions of all open air fire pits, fireplaces and other appliances within the corporate limits of the Town of Vegreville and any land under the care of the Town of Vegreville.

Applicant's Name: _____

Address: _____

Phone (Home): _____ Phone (Alt.): _____

Land Owners Name (if different from above): _____

Address: _____

Phone Number: _____ Phone (Alt.): _____

Business License # (if applicable) _____ Approval by Land Owner (Y or N): _____

Type of Outdoor Fire Installation

Fire Pit Outdoor Fireplace Portable Barbeque Device Other, specify: _____

Type of Construction

Brick Concrete Brick Masonry Heavy Gauge Metal Other, specify: _____

All Utility Companies have been consulted for line locations?

YES NO Not Applicable

I, the above applicant, have read and understand the sections of the permit application, and the "Open Air Recreational Fire Bylaw No. 03-2010" attached to this application, and warrant that my installation is in compliance with the Bylaw. I further accept any and all responsibility and liability for damages that may occur from the use of my installation.

SIGNATURE OF APPLICANT

DATE

For Office Use Only

Approved By:
(Name, Title, SCO Designation) _____

Signature: _____ Date: _____

\$25.00 Permit Fee Attached: _____