

TOWN OF BOW ISLAND
BYLAW #2000-06

WHEREAS pursuant of Section 7 of the Municipal Government Act, being Chapter M-26.1, Revised Statutes of Alberta 1994 and Amendments thereto, a Council may pass a bylaw for municipal purposes respecting safety, health and welfare of people and the protection of people and property;

WHEREAS the Council for the Town of Bow Island deems it proper to pass a bylaw to institute guidelines for the purpose to control burning within the Town of Bow Island; and

NOW THEREFORE, the Council of the Town of Bow Island in the Province of Alberta, pursuant to authority conferred upon it by Municipal Government Act 1994 enacts as follows:

1. This Bylaw may be cited as The Burning Bylaw.
2. In this bylaw:
 - a) "Council" means the Council of the Town of Bow Island;
 - b) "Fire Chief" means the member appointed by Council as head of the Fire Department;
 - c) "Restricted Fires" means the burning of combustible materials in accordance to Appendix A. Includes but not limited to:
 - i) straw, stubble, and/or weeds
 - ii) leaves and/or tree pruning
 - iii) solid waste from tree harvesting and/or land clearing
 - iv) wooden and/or waste material from the construction and/or demolition of buildings and/or construction sites
 - d) "Non-Burnable Debris" means any combustible debris and/or waste material including but not restricted to:
 - (i) petroleum based products; ie., asphalt shingles
 - (ii) new and/or used utility poles and/or railroad ties
 - (iii) animal cadavers and/or manure
 - (iv) pathological wastes

- (v) garbage or refuse from commercial, industrial, household and/or municipal operations
 - (vi) combustible materials in vehicle bodies, tires, and/or oil for combustion engines
 - (vii) rubber, plastic, or anything containing and/or coated with rubber, plastics, or similar substances
 - (viii) any fire that requires an accelerator such as gasoline, diesel fuel or similar substances to start and/or maintain the fire
- e) "Fire Pit" means a receptacle for the purpose of setting a recreational fire in a residential area of the Town of Bow Island in accordance to Appendix B.
- f) "Open Burning" means a fire of any kind whatsoever in the open air with the exception of:
 - i) natural gas, propane and/or briquette barbecues
 - ii) camp stoves affixed above ground level and located in a park
 - iii) Coleman type camp stoves, kerosene or propane fired
- g) "Open Fire" means a fire that is not confined within a noncombustible container or structure;
- h) "Outdoor Fire" means any fire not contained within a building or structure and shall include fires involving humus soil, piles of coal, farm produce, waste, bush, grass, feed, straw, or any fire that has escaped or spread from a building, structure, machine or vehicle and any fire set for purpose of thawing the ground;
- i) "Peace Officer" means a member of the local RCMP or Bylaw Officer as appointed by council;
- j) "Recreational Fire" means a confined fire for the purpose of cooking, obtaining warmth or viewing pleasure. A recreational fire may only be fuelled with seasoned wood (not to exceed 15 litres - 3.3 imperial gallons in volume), charcoal, propane or natural gas;
- k) "Smudge Fires" means any fire confined within a noncombustible structure or container that is set on land of 2 acres or more in an area for the purpose of protecting livestock from insects;
- l) "Structure Fire" means any fire contained to and within any building, structure,

machine or vehicle which will or is likely to cause the destruction of or damage to such building, structure, machine or vehicle;

- m) "Fire Permit" means a permit issued by the Fire Chief, his designate or Bylaw Enforcement Officer allowing for the setting of outdoor fires, structure fires and restricted fires within the Town, Appendix C;
- n) "Town" means the Town of Bow Island and, means the area contained within the corporate boundaries of the said municipality;

3. Powers:

- a) The Fire Chief, his designate and/or Bylaw Enforcement Officer, may:
 - i) Issue a fire permit to a person 18 years of age or older;
 - ii) Issue a fire permit in respect of any land within the municipal boundaries of the Town of Bow Island;
 - iii) Issue a fire permit unconditionally or impose conditions upon the applicant which he considers appropriate;
 - iv) Suspend or cancel at any time a fire permit and, on receiving notice of the suspension or cancellation, the person concerned shall immediately extinguish any fire set pursuant to his or her permit;
 - v) Reject applicant's request for fire permit if applicant's request does not comply with Fire Bylaw or safety standards;
 - vi) Direct the operations in respect of any fire permit issued;

4. Recreational Fires:

- a) Except as provided in Section 4(b), no permit is required to ignite, construct or otherwise create a recreational fire by or with the permission of the property owner;
- b) No person shall create a recreational fire in anything other than an approved fire pit constructed in accordance with the guidelines set out in Appendix B of this bylaw;
- c) No person shall ignite, construct or create a recreational fire in a park unless the recreational fire occurs at a location so designated within the park or in a device or structure constructed for that purpose in the park;

5. Open Fires:

- a) Prior to igniting any open fire, the person must receive a fire permit;
- b) Open fires shall be allowed during Spring Cleanup and Fall Cleanup unless special provisions or considerations are deemed necessary by the Fire Chief, his designate, Bylaw Enforcement Officer or Council.

6. Control of Fire Hazards:

- a) If Council finds within its municipal boundaries on privately lands 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 hazard within a fixed amount of time and in a manner prescribed by Council;
- b) When Council finds that the order it made pursuant to Section 6(a) has not been carried out, it may enter the land with any equipment and any person it considers necessary and may perform the work required to eliminate the hazard;

7. Recovery of Costs:

- a) Where Council or the Fire Department, acting in accordance with its operating policies, has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within the Town or for purpose of preserving life or property from injury or destruction by fire or other incident on land within the Town, Council may, in respect of any costs incurred by the Town if Council deems the cost of such actions to be extraordinary, charge all or a portion of said costs to the owner or occupant of the land in respect of which the action was taken;
- b) Notwithstanding the authority granted to Council in Section 7(a) above, Council shall not charge the costs of firefighting an accidental fire affecting the primary residence or commercial structure, including the ancillary structures of the aforementioned, on any property in Town. The prohibition shall not preclude the charging of a portion of the costs where a primary or ancillary structure is affected;
- c) Where Council or the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within the Town, where the property owner or occupant has set a fire without obtaining the necessary permits, Council may charge all or portion of costs of such actions;

- d) In respect to the cost or fee described in Section 7(a) and 7(c):
 - i) In the case of action taken by Council in respect of land within the Town where the cost or fee is not paid upon demand by the Town, then in default of payment, such cost or fee may be charged against the land taxes due and owing in respect of that land;
- e) In the event that the owner or occupant of any land within the Town shall feel aggrieved by any action by Council pursuant to Section (a-d) of the Bylaw, such owner shall have a period of 30 days from the date of mailing of notice of action taken by Council, to appeal to Council against the action taken by Council. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and not subject to any further appeal;

8. Offenses:

- a) No person shall light an outdoor fire, structure fire, or restricted fire unless he or she is the holder of a subsisting fire permit as required under this bylaw;
- b) No person shall permit an outdoor fire, a structure fire or a restricted fire to be lit upon land owned or occupied by him or under his control except when such fire is permitted pursuant to this bylaw;
- c) When a fire is lit under the circumstances prohibited by Section 7(a) or 7(b), the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - i) extinguish the fire immediately, or
 - ii) where he is unable to extinguish the fire immediately, report the fire to the Fire Department;
- d) No person shall either, directly or indirectly, personally or through an agent, servant or employee, kindle a fire and let it become a running fire on any land from his own property to the property of another;
- e) No person shall light a permitted outdoor fire, a structure fire, or restricted fire without taking sufficient precaution to ensure that the fire can be kept under control at all times;
- f) No person shall light any fire, with the exception of a fire pit after dusk;
- g) No person shall ignite or maintain any fire in windy conditions;
- h) No person shall ignite and/or maintain any fire that is creating an environment or fire safety hazard with airborne embers or smoke to person's own property or

neighbouring properties;

- i) No person or corporation shall light, ignite or cause to be made an open fire of non-burnable debris;
- j) No person shall, either directly or indirectly, cause to be reported a false alarm;

9. Penalties:

- a) Any person who fails to comply with any provisions in this bylaw is guilty of an offense. Person(s) guilty of first offense will be issued a written warning; further they will be instructed to extinguish the fire by proper means.
- b) For a subsequent offence a person(s) guilty of violation of this bylaw a summons shall be issued and upon Summary Conviction will be liable for a fine of \$50.00.
- c) Any Peace Officer may enforce the provisions of this bylaw and, where that Peace Officer has reasonable grounds to believe that a person has committed a breach of any of the provisions of this bylaw;

10. This bylaw shall come into force and take effect upon the date of third reading and signing.

Read a first time this 12th day of June, 2000

Read a second time this 10th day of July, 2000

Read a third time and finally passed this 14th day of August, 2000

Mayor

Town Manager

TOWN OF BOW ISLAND
BYLAW 2000:06
APPENDIX A

Restricted Fires:

1. All restricted fires require a fire permit, and shall be issued to people 18 years of age or older.
2. Provisions must be made for fire extinguishment. ie., garden hose.
3. Fire shall not be started in windy conditions.
4. Smoke and ember drift must be controlled.
6. Fires must be supervised at all times by at least one person 18 years of age or older.
7. Fires that are started must not create any fire or smoke hazards to immediate or neighbouring structures.
8. Restricted fires shall not be started after dusk.
9. Fires must be completely extinguished before leaving unattended.

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APPENDIX B

Recreational Fire Pits:

1. All recreational fires will be supervised by at least one person 18 years of age or older.
2. Fire pits to be constructed of noncombustible material; ie concrete block or heavy gauge metal
3. All recreational fire pits must be built a minimum of 10 feet from any property line, structure with no overhang or outermost edge of a building projection.
4. Maximum fire volume of any recreational fire pit is to be 15 liters (3.3 imperial gallons).
5. Burn only clean dry wood (no garbage, garden refuse, grass clippings, treated or painted wood, plastics).
6. Consider your neighbours when smoke is drifting in the direction of open windows.
7. Keep smoke to a minimum.
8. Fire pit will be extinguished before leaving unattended.

**TOWN OF BOW ISLAND
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APPENDIX AC@**

FIRE PERMIT

Issued under authority of the Town of Bow Island Burning Bylaw and Regulations thereunder.

THIS PERMIT authorizes _____ of
(name)

_____, (403) _____
(address) (telephone number)

to kindle fires for the purpose of burning _____.

Burning shall be done in compliance with the Town of Bow Island Burning Bylaw and regulations made thereunder, and the following conditions:

Effective _____, 2____. Expires _____, 2____.

I have read and understand the conditions above and regulations attached to this permit, and accept full responsibility.

(Permitee)

_____, 2000
(Authorized Signature) (Date)