

BYLAW 1375/16
BURNING BYLAW
STURGEON COUNTY, MORINVILLE, ALBERTA

BEING A BYLAW OF STURGEON COUNTY IN THE PROVINCE OF ALBERTA AUTHORIZING THE PREVENTION AND CONTROL OF FIRES.

WHEREAS Section 7 of the *Municipal Government Act* RSA 2000 c. M-26, as amended (the “MGA”) provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Forest and Prairie Protection Act* RSA 2000 c.F-19, as amended (the “FPPA”) grants certain additional powers to the Sturgeon County including the power to appoint Fire Guardians, enforce the FPPA and control fires;

AND WHEREAS the Council of Sturgeon County wishes to provide for the prevention, regulation and control of fires within the County;

NOW THEREFORE the Council of Sturgeon County duly assembled hereby enacts as follows:

1. Name of Bylaw:

1.1 This Bylaw may be cited as “the Burning Bylaw”.

2. Definitions:

2.1 In this Bylaw:

- a) “Acceptable Fire Pit” means an outdoor receptacle that meets the following specifications:
- (i) A minimum of 3 metres clearance, measured from the nearest fire pit edge to the nearest edge of building, property line, or other combustible material;
 - (ii) A height not exceeding 0.6 metres when measured from the surrounding grade to top of the pit opening;
 - (iii) Equipped with a spark arrester mesh screen that is no larger than 13 millimeters;
 - (iv) Enclosed side made from bricks, concrete blocks, heavy gauge metal, or other non-combustible material;
 - (v) Not located over any underground utilities or under any above ground wires;
 - (vi) Within any area of Sturgeon County that is zoned Hamlet Residential District (HR), County Residential – One District (CR-1), Country Residential – Two District (CR-2), and Country Residential – Estate District (CR-E). The diameter of a fire pit is not to exceed 1200 millimeters (4 feet); and
 - (vii) Is otherwise acceptable to a Fire Guardian.
- b) “Commissioner” means the person appointed as the County Commissioner for Sturgeon County;
- c) “County” means Municipality of Sturgeon County;
- d) “Demolition Permit” means a permit issued by the County’s Planning and Development department in relation to demolition of a structure(s);

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- e) "Fire Guardian" means a person named or appointed as Fire Guardian pursuant to the FPPA;
- f) "Fire Permit" means a permit issued by a Fire Guardian pursuant to the FPPA and this Bylaw;
- g) "FPPA" means Forest and Prairie Protection Act, RSA 2000 c.F-19;
- h) "Garden/Yard Debris" means but not limited to wood, branches and dried leaves piled for the purposes of burning that is smaller than 3.6 metres long, 3.6 metres wide and 1.8 metres in height;
- i) "Incinerator Fire/Burn Barrel Fire" means a fire that is confined within a non-combustible structure container or barrel:
- (i) with openings covered with heavy gauge metal screen having a mesh size no larger than thirteen (13) millimetres;
 - (ii) that has a minimum of three (3) metres clearance from buildings, property lines and combustible materials;
 - (iii) that is supervised at all times by a responsible adult person until such time that fire has been extinguished. A fire shall be deemed to include hot ashes and smouldering embers resulting from the fire;
 - (iv) but does not include any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations;
- j) Large Brush Pile(s) means but not limited to wood, branches, tree stumps, yard debris piled for the purposes of burning that is larger than 3.6 metres long, 3.6 metres wide and 1.8 metres in height;
- k) "Outdoor Fire" means any fire other than that defined as an Incinerator Fire/Burn Barrel Fire, Structure Fire, Large Brush Pile or Windrow Pile and shall include, but not be limited to:
- a) Fires involving humus, wood, soil, farm produce, brush, grass, feed, straw, coal;
 - b) Any fire that has escaped or spread from a building, structure, machine, vehicle, incinerator or smudge fire; and
 - c) Incinerator Fire/Burn Barrel Fire or burning without the required metal screen.
- l) "Owner" means:
- a) The registered owner of lands, as shown on title to those lands, as registered at the Land Titles Office;

- b) A person who has purchased or otherwise acquired or become entitled to acquire the lands, and has not become the registered owner thereof;
 - c) A person who is recorded as the owner of the property on the assessment roll of the County;
 - d) A person controlling a property under construction; or
 - e) A person who is the occupant of the property under a lease, rental arrangement, license or permit.
- m) "Peace Officer" means a person appointed as a Peace Officer under the *Peace Officer Act*, RSA 2000, c. P.-3.5, as amended or member of the RCMP;
- n) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out of doors;
- o) "Prohibited Debris" means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants as defined in Alberta Regulation 276/2003, Activities Designation Regulation pursuant to the *Alberta Environmental Protection and Enhancement Act*;
- p) "Running Fire" means a fire burning without being under the proper control of any person;
- q) "Smudge Fire" means a fire confined within a non-combustible structure or container that is set on a parcel of land of two point four seven (2.47) acres or more in an area, for the purpose of protecting livestock from insects or for protecting garden plants from frost. The structure or container must have openings covered with heavy gauge metal screen having a mesh size no larger than thirteen (13) millimetres. The structure or container shall be placed to have a minimum of three (3) metres clearance from buildings, property lines and other combustible materials;
- r) "Structure Fire" means a fire confined to and within any building or structure, which will, or is likely to cause the destruction of or damage to such building or structure or other structures or vehicles in the near vicinity;
- s) "Vehicle Fire" means a fire confined to and within any vehicle or machine, which will, or is likely to cause the destruction of or damage to such vehicle or machine or other vehicles or structures in the vicinity;
- t) "Violation Ticket" means a Violation Ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act* RSA 2000, c.P-34 (POPA) or the regulations there under; and
- u) "Windrow Pile" means but not limited to wood, branches, tree stumps piled after clearing of land in windrows or piles for the purpose of burning.

3. Fire Permits

- 3.1 In addition to any fire permit required under the *Forest and Prairie Protection Act*, Fire Permits shall be required year-round under this Bylaw at a nil fee.
- 3.2 Where an emergency, a potential emergency or fire hazard exists, the Commissioner or his designate shall be at liberty to issue a Fire Advisory, Fire Restriction or Fire Ban suspending all types of fires, within all or a portion or portions of the County for such a period of time and on such conditions as may be determined by the Commissioner or his designate.
- 3.3 Any person wishing to light or burn an Outdoor Fire, an Incinerator Fire/Burn Barrel Fire, Large Brush Pile Fire, Windrow Pile Fire, or a Structure Fire within Sturgeon County must first, unless exempted by this Bylaw, apply for and obtain a valid Fire Permit from Sturgeon County. A Fire Permit shall include specified dates during which the Fire Permit will be valid, and if intended to apply for specified periods in more than one year, shall be reviewed and approved annually. Fire Permit applications or annual reviews may be denied by the County if appropriate, having regard to any potential safety issue or related concerns that may be applicable.
- 3.4 A Fire Permit shall not be transferable.
- 3.5 Persons wishing to obtain a Fire Permit for a demolished Structure must, if required, obtain a Demolition Permit from the County's Planning and Development Department.
- 3.6 A site inspection must be conducted by Sturgeon County Emergency Services prior to any permit being issued for a Structure Fire, Large Brush Pile Fire, or Windrow Pile Fire.
- 3.7 The person who receives a Fire Permit to burn one or more Large Brush Piles or for Windrow Burning located adjacent to a roadway is responsible to ensure proper signage is posted warning drivers of smoke. The Fire Permit holder is responsible for all costs associated with signage.
- 3.8 The Person who receives a permit under this Bylaw does indemnify and save harmless Sturgeon County from all liability arising out of the operations authorized by their permit.
- 3.9 The Person obtaining a Fire Permit under this Bylaw is liable to pay the cost of fighting all fires caused by any violation of any terms and conditions set out in their Fire Permit.

4. Exemptions

- 4.1 Use of Acceptable Fire Pits is permitted throughout the County. A Fire Permit is not required under this Bylaw for an attended fire that is lit in an Acceptable Fire Pit for recreation, cooking or warming purposes.
- 4.2 A Fire Permit is not required under this Bylaw for an attended fire that is lit in a Portable Appliance for recreation, cooking or warming purposes.
- 4.3 A Fire Permit is not required under this Bylaw for fires set for the purpose of training firefighters
- 4.4 A Fire Permit is not required under this Bylaw for an Industrial or Commercial type incinerator that is required to be licensed under the *Alberta Environmental Protection and Enhancement Act* regulations;

- 4.5 A Fire Permit is not required under this Bylaw for a Smudge Fire.
- 4.6 A Fire Permit is not required for Flaring associated to the operation, installation, maintenance and or repair of gas related plants, wells, or gas lines.
- 4.7 A Fire Permit is not required for enclosed wood burning or coal burning furnaces and or incinerators used for heating of dwellings or structures.

5. Prohibitions

- 5.1 No person shall light or burn an Incinerator Fire/Burn Barrel Fire within Sturgeon County on lands zoned Hamlet Residential District (HR), County Residential – One District (CR-1), Country Residential – Two District (CR-2), and Country Residential – estate District (CR-E) if the lot is less than one (1) acre in size;
- 5.2 Burning of Large Brush Piles is prohibited within any area of Sturgeon County that is
 - a) zoned Hamlet Residential District (HR), County Residential – One District (CR-1), Country Residential – Two District (CR-2), and Country Residential – Estate District (CR-E). Fire Permits shall not be issued for such burning for land within these land use districts.
 - b) In all other areas of the County burning of Large Brush Piles is prohibited except December 1 and March 31 of the following year;
- 5.3 Burning of Windrow Piles is prohibited within any area of Sturgeon County that is:
 - a) Zoned Hamlet Residential District (HR), County Residential – One District (CR-1), Country Residential – Two District (CR-2), and Country Residential – Estate District (CR-E). Fire Permits shall not be issued for such burning for land within these land use districts.
 - b) In all other areas of the County burning of Windrow Piles is prohibited except between December 1 and March 31 of the following year;
- 5.4 Burning of building related materials, waste used or produced during construction of structures is prohibited within any area of Sturgeon County that is zoned Hamlet Residential District (HR), County Residential – One District (CR-1), Country Residential – Two District (CR-2), and Country Residential – Estate District (CR-E).
- 5.5 No person shall light or burn an Outdoor Fire, an Incinerator Fire, Burn Barrel Fire, a Smudge Fire, a Structure Fire, or light or burn a fire in a barbecue/fire pit, or light or burn a fire within a Portable Appliance not fuelled by propane or natural gas, during a Municipal fire restriction or fire ban;
- 5.6 No person shall fail to comply with any of the terms or conditions set out in Fire Permit;
- 5.7 No person shall light or burn an Outdoor Fire or Smudge Fire for the purpose of ground thawing;

- 5.8 No person shall obstruct a Peace Officer, Fire Guardian or Sturgeon County Fire Department member in the performance of their duties pursuant to this Bylaw or the Forest Prairie Protection Act (supra). Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals;
- 5.9 No Owner shall allow, consent to, or permit a fire to be lit or burned on property under the Owner's possession, control or ownership unless a valid Fire Permit has been issued for that fire as required by this Bylaw;
- 5.10 No person shall burn Prohibited Debris;
- 5.11 No person shall light a fire that obstruct or cause disruption to traffic or roadways;
- 5.12 No person shall light a fire and let it continue to burn if that fire causes continuous physical discomfort to any nearby property and its residents;
- 5.13 No person shall either directly or indirectly, personally or through an agent, servant or employee ignite a fire and let it become a Running Fire on any property or allow a Running Fire to pass from his or her own property to another property;
- 5.14 Burning of grass or stubble is prohibited;
- 5.15 Fires of any type are prohibited on or within lands designated by the County as Municipal Reserve, Environmental Reserve or a Natural Area unless otherwise permitted by the Commissioner or his designate;
- 5.16 Vehicle Fires are prohibited;
- 5.17 Lighting of fires within areas designated as Industrial Areas, Industrial Parks or Industrial Worksites is prohibited unless otherwise approved by the Commissioner or his designate; and
- 5.18 Burning in areas of peat moss or peaty soil is prohibited.

6. Offences

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule "A" which is attached hereto as part of this Bylaw.

7. Violation Ticket

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person who contravenes any provision of this Bylaw.
- 7.2 Any Person who contravenes a provision of this Bylaw is guilty of an offence and is liable for the penalty set out in Schedule "A", or if no penalty is specified in Schedule "A" for the particular offence, for a penalty of not less than \$500.00.
- 7.3 A Violation Ticket may be served:

- a) Either personally or by leaving a copy of the Violation Ticket at the last or most usual place of abode of the person being charged; or
- b) By mailing a copy to a person being charged to their last known address.

7.4 The Violation Ticket shall state, inter alia:

- a) The name of the person being charged with an offence;
- b) The offence charged;
- c) The specified fine for the offence as specified in Schedule "A" of the Bylaw, if applicable;

7.5 If, in the opinion of the Commissioner, a contravention of this Bylaw requires immediate action, the County may perform any work necessary to address the contravention of this Bylaw without prior notice and all costs incurred by the County will be payable by the person alleged to have contravened this Bylaw.

8. Effective Date

- 8.1 That this Bylaw shall come into force and take effect upon the date of third reading.

9. Repeal of Bylaws

9.1 Bylaw 1309/13 and any amendments thereto are hereby repealed.

Read a first time this ____ th day of, _____, 2016.

Read a second time this ____ th day of, _____, 2016.

Read a third time this _____ day of, _____, 2016.

MAYOR

COUNTY COMMISSIONER

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

Schedule "A"

Offence	Fine
Section 3.3 Burn without Valid Burning Permit	\$500
Section 3.7 Fail to post SMOKE warning signs	\$500
Section 5.1 Burn in area zoned (HR)(CR1)(CR2)CR-E if Lot less than one Acre	\$500
Section 5.2 Burn Large Bush Piles within zoned (HR)(CR-1)(CR-2)(CR-E) area	\$500
Section 5.3 Burn Windrow Piles within zoned (HR)(CR-1)(CR-2)(CR-E) area	\$500
Section 5.4 Burning of building related materials, waste, used or produced during construction of homes, sheds, and or outbuilding in area zoned (CR1)(CR2)(CR-E)	\$500
Section 5.5 Burn during a fire restriction or fire ban	\$500
Section 5.6 Fail to comply with fire permit terms/conditions	\$500
Section 5.7 Burn for the purpose of ground thawing	\$500
Section 5.8 Obstruct Peace Officer/Fire Guardian/Fire Department Member	\$1,000
Section 5.9 Owner allow fire without valid Fire Permit	\$500
Section 5.10 No person shall burn Prohibited Debris	\$500
Section 5.11 Allow fire to burn that obstructs/disruption to traffic or roadways	\$500
Section 5.12 Burn fire that causes discomfort to neighbouring property/residents	\$500
Section 5.13 Ignite a fire and allow a running fire on any property and pass to another property.	\$500
Section 5.14 Burning of grass or stubble	\$500
Section 5.15 Burn on/within County Municipal Reserve/Natural Area	\$500
Section 5.16 Burn any type of vehicle	\$500
Section 5.17 Burn within designated Industrial Parks or Industrial worksites	\$500
Section 5.18 Burning in areas of peat moss or peaty soil	\$500

Note: Should person(s) be proven to have committed subsequent offences within 24 months of their first offence, the applicable specified penalty shall be double the amount set out above.