

**BYLAW 1309/13  
AMENDMENT to the BURNING BYLAW 1272/12  
STURGEON COUNTY, MORINVILLE, ALBERTA**

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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 R.S.A. 2000 c. M-26, as amended (the "MGA") provides that Council may pass by-laws 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 R.S.A. 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 BE IT RESOLVED** that the Council of Sturgeon County hereby amends Bylaw 1272/12 as follows:

**5.1 (a)** That bylaw amendment 1309/13 shall come into force and take effect upon the date of third reading.

**6.2** is amended to include outdoor fires, structure fires or vehicle fires in the list of prohibited burns in lots less than one (1) acre.

**6.3** is repealed along with associated fines in Schedule A

Read a first time this 10<sup>th</sup> day of September 2013.

Read a second time this 10<sup>th</sup> day of September 2013.

Read a third time this 10<sup>th</sup> day of September 2013.

for Donald McTeachy  
MAYOR

for [Signature]  
COUNTY COMMISSIONER (CAO)

**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.**

**BYLAW 1272/12  
BURNING BYLAW  
STURGEON COUNTY, MORINVILLE, ALBERTA**

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**WHEREAS** Section 7 of the Municipal Government Act R.S.A. 2000 c. M-26, as amended (the "MGA") provides that Council may pass by-laws 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 R.S.A. 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) "Approved Fire Pit" means a barbecue or fire pit that is:
  - i. A minimum of three (3) metres clearance from buildings, property lines and combustible materials
  - ii. Constructed of bricks, cement blocks, heavy gauge metal or other suitable non-combustible components
  - iii. Has a spark arrestor mesh screen that is no larger than thirteen (13) millimetres expanded metal (or equivalent) to contain sparks over the fire at all times;
- b) "Commissioner" means the person appointed as the County Commissioner for Sturgeon County;
- c) "County" means Municipality of Sturgeon County
- d) "Fire Guardian" means a person named or appointed as Fire Guardian pursuant to the FPPA;
- e) "Fire Permit" means a permit issued by a Fire Guardian pursuant to the FPPA and this Bylaw;

- f) "Incinerator 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.;
- g) "Outdoor Fire" means any fire other than that defined as an Incinerator Fire, Structure Fire, Vehicle Fire, or Smudge Fire 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;
  - c) A fire lit or burning in an incinerator without the required metal screen.
- h) "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 property, 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.
- i) "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;
- j) "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out of doors;

- k) "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;
- l) "Running Fire" means a fire burning without being under the proper control of any Person;
- m) "Smudge Fire" means a fire confined within a non-combustible structure or container with that is set on 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 a minimum of three (3) metres clearance from buildings, property lines and other combustible materials;
- n) "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 respective structures or vehicles in the near vicinity;
- o) "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;
- p) "Violation Ticket" means a Violation Ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act R.S.A 2000, Chapter P-34 (POPA) or the regulations there under.

### 3. Fire Permits

- 3.1 In addition to any fire permit required under the Forest and Prairie Protection Act (supra) Fire Permits shall be required under this Bylaw for the period from April 1st to October 31 each calendar year at a nil fee. Should such conditions exist an earlier permit season or extension of the said permit season may be put in place by the Commissioner or his designate.
- 3.2 Where an emergency, a potential emergency or fire hazard exists, the Commissioner or his designate shall be at liberty to suspend 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, a Structure Fire or a Vehicle Fire within Sturgeon County must first, unless exempted by this Bylaw, apply to 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 may be denied by the County as deemed appropriate having regard to any potential safety or related issues that may be applicable.

3.4 A fire permit shall not be transferable.

4. Exemptions

4.1 Use of "Approved 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 "Approved 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 for a "Smudge Fire" as defined in Part 2 of this bylaw.

5. General

5.1 Sturgeon County Bylaw 1224/10, Burning Bylaw, is hereby repealed upon this bylaw coming into effect.

6. Offences

6.1 No person shall light or burn an Outdoor Fire, an Incinerator Fire, a Smudge Fire, a Structure Fire or Vehicle fire within Sturgeon County without a valid Fire Permit unless exempted under this Bylaw;

6.2 No person shall light or burn an Incinerator Fire (by definition includes burn barrels) within 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) if the lot is less than one (1) acre in size;

6.3 No person shall light or burn an Outdoor Fire, a Structure Fire or Vehicle fire 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). Fire Permits shall not be issued for land within these land use districts;

6.4 No person shall light or burn an Outdoor Fire, an Incinerator 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 or Provincial fire ban;

6.5 No person shall fail to comply with any of the terms or conditions set out in Fire Permit;

- 6.6 No person shall light or burn an Outdoor Fire or Smudge Fire for the purpose of ground thawing;
- 6.7 No person shall obstruct a Peace Officer, Fire Guardian or 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;
- 6.8 No Owner shall allow, consent to, or permit a fire to be lit or burnt on property under the Owner's possession, control or ownership unless a valid Fire Permit has been issued for that fire;
- 6.9 No person shall place Prohibited Debris into a fire and allow it to burn;
- 6.10 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;
- 6.11 No person shall wilfully breach this Bylaw, or any of its provisions.

#### **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 the provisions of this bylaw is guilty of an offence and is liable for the penalty set out in Schedule "A", or if no penalty is specific in Schedule "A" for the particular offence, for the penalty in accordance with section 7.7 of this bylaw.
- 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 In lieu of prosecution, the person named in the Violation Ticket may elect to voluntarily make payment to the County of the penalty amount specified in the Violation Ticket.
- 7.6 If the payment specified in the Violation Ticket is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may be commenced for the alleged contravention of this bylaw.

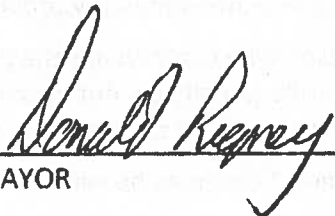
- 7.7 If, in the opinion of the Commissioner, a contravention of this bylaw requires immediate action, the County may perform any work necessary to address the contravention of this bylaw without prior notice and all costs incurred by the County will be payable by the person alleged to have contravened this bylaw.
- 7.8 Except as otherwise provided in this bylaw, a person who is guilty of an offence under this bylaw for which a penalty is not otherwise provided, upon summary conviction before a court of competent jurisdiction, shall be liable to a fine of not less than One Hundred (\$100.00) Dollars and not more than Two Thousand Five Hundred Dollars (\$2,500.00) or in the event of non-payment of the fine, imprisonment for a period not exceeding ninety (90) days unless such fine is sooner paid.

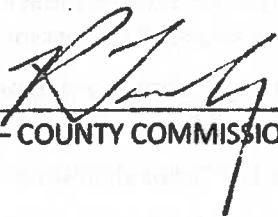
That this bylaw shall come into force and take effect upon the date of third reading and signing in accordance with Section 213 of the Municipal Government Act, R.S.A. 2000 C.M-26, and amendments thereto.

Read a first time this 13<sup>th</sup> day of March 2012.

Read a second time this 13<sup>th</sup> day of March 2012.

Read a third time this 9<sup>th</sup> day of October 2012.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CAO – 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"

	1 <sup>st</sup> Offence In a 12 month Period	2 <sup>nd</sup> Offence In a 12 month Period	3 <sup>rd</sup> Offence In a 12 month Period
Section 6.1 No person shall light or burn a fire, without a valid Fire Permit.	\$500	\$1,000	\$2,000
Section 6.2 No person shall light or burn an Incinerator Fire (by definition includes burn barrel) shall light or burn a fire within 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), if the lot is less than one (1) acre in size	\$500	\$1,000	\$2,000
Section 6.3 No person shall light or burn an Outdoor Fire, a Structure Fire or Vehicle fire 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).	\$500	\$1,000	\$2,000
Section 6.4 No person shall light or burn a fire during a fire ban	\$500	\$1,000	\$2,000
Section 6.5 Fail to comply with Fire Permit conditions	\$250	\$500	\$1000
Section 6.6 No person shall light or burn a fire for ground thawing	\$500	\$1,000	\$2,000
Section 6.7 No person shall obstruct a Peace Officer, Fire Guardian or member of the Fire Department	\$500	\$1,000	\$2,000
Section 6.8 No Owner shall allow a fire without a valid Fire Permit	\$500	\$1,000	\$2,000
Section 6.9 No person shall place Prohibited Debris into a fire and allow it to burn;	\$250	\$500	\$1000
Section 6.10 No person shall ignite a fire and let it become a Running Fire	\$250	\$500	\$1000
Section 6.11 Wilful failure to comply with Bylaw	\$1,000	\$2,000	\$3,000