

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

BYLAW C-5545-2002

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A BYLAW OF THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44 IN THE PROVINCE OF ALBERTA AUTHORIZING THE PREVENTION AND CONTROL OF FIRES

WHEREAS Sections 7 and 8 of the Municipal Government Act R.S.A. 2000, chapter M-26 provide that Council may pass bylaws for the prevention or the extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fire and provides the Municipality authority to establish a system of licenses, permits or approvals within the Municipal District of Rocky View No. 44; and

WHEREAS the Forest and Prairie Protection Act R.S.A. 2000 F-19 grants certain additional powers to the Municipal District of Rocky View No. 44 and pursuant to Sec.75(1) of the Municipal Government Act (supra) Council can pass bylaws for the prevention of prairie or running fires and for the enforcement of the provisions of the Forest and Prairie Protection Act (supra); and

WHEREAS the Council of the Municipal District of Rocky View No. 44 pursuant to the powers granted to it under the Municipal Government Act (supra) and the Forest and Prairie Protection Act (supra) wishes to provide for the prevention, regulation and control of the lighting of fires within the Municipal District;

NOW THEREFORE the Council of the Municipal District of Rocky View No. 44 in Council duly assembled hereby enacts as follows:

SECTION 1 NAME OF BYLAW

1.1 This Bylaw may be cited as "the Fire Permit Bylaw".

SECTION 2 DEFINITIONS

2.1 In this Bylaw

- a) "Burnable Debris" means criteria of types of material
- b) "Council" means the Council of the Municipal District of Rocky View No. 44.
- c) "Class A Materials" means clean wood, paper, twigs and garden chipping s, garden debris.
- d) "Designate" means any person employed by the Municipal District of Rocky View No. 44 or a Fire Guardian as appointed under the Forest and Prairie Protection Act (supra).
- e) "Fire Ban" means a provincial minister order or an order by a member of the Municipal District of Rocky View Fire Chief's office may at their discretion cancel any or all fire permits, prohibiting the lighting or requiring the extinguishment of a fire.

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- f) "Fire Chief" means the person appointed as head of Municipal District of Rocky View Fire Services Department.
- g) "Fire Chief's Office" means the Fire Chief, Deputy Fire Chief, Fire Prevention Officer and the Fire Training Officer.
- h) "Fire Control Officer" means any employee of the Municipal District of Rocky View No. 44 Fire Services or a Fire Guardian appointed by the council of the Municipal District of Rocky View No. 44.
- i) "Fire Permit" means a permit issued by a Fire Guardian pursuant to the Forest and Prairie Protection Act (supra) or this Bylaw or both allowing for the setting of outdoor fires or structure fires or incinerator fires within the Municipality.
- j) "Incinerator Fire" means a fire that is confined within a non-combustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 7 millimetres and is used for the purpose of burning clean Class A materials such as garden debris, wood and paper.
- k) "Municipal Fire Guardian" means a person named or appointed as Fire Guardian Pursuant to the Sec. 4 Forest and Prairie Protection Act (supra) and includes Municipal District Councillors, Special Constables, Municipal District Bylaw Officer; Langdon, Irricana and Madden Fire Station Officers.
- l) "Municipal District" means Municipal District of Rocky View No. 44.
- m) "Neighbour(s)" means a person who is an owner, renter or person otherwise authorized by an owner of privately owned land adjacent to property to where it is alleged an offence has occurred.
- n) "Outdoor Fire" means any fire other than that defined as an Incinerator Fire or Structure Fire and shall include fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator. An incinerator Fire without the required metal screen shall be deemed to be an Outdoor Fire.
- o) "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- p) "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 Alberta Regulation 110/93 Alberta Environmental Protection and Enhancement Act.
- q) "Restricted Burn Area" means an area within the Municipal District of Rocky View No. 44 as designated by the Fire Chief's office and Council.

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- r) "Running Fire" means a fire burning without being under the proper control of any person.
- s) "Special Constable" means a person as appointed under Section 42 of the Police Act R.S.A. 2000 Chapter P-17.
- t) "Specified Penalty" means a penalty specified in Schedule A being prescribed under the Master Rates Bylaw which, may be paid in response to a violation ticket, for an alleged offence of any section of this bylaw.
- u) "Structure Fire" means a fire confined 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.
- v) "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw and shall be a Part 2 ticket as prescribed in the Provincial Offences Procedure Act R.S.A. 2000, Chapter P-34.

SECTION 3 FIRE GUARDIANS

- 3.1 Each year before the first of March, the Council shall appoint a sufficient number of Fire Guardians to enforce the provisions of the Forest and Prairie Protection Act (supra) and this Bylaw within the boundaries of the Municipality.

SECTION 4 POWERS OF FIRE GUARDIANS

- 4.1 Each Fire Guardian shall have the authority and power to:
 - a) issue a Fire Permit in respect of any land with the Municipality;
 - b) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian considers appropriate;
 - c) may 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;
 - d) enforce the provisions of the Forest and Prairie Protection Act (supra) and this Bylaw within the boundaries of the Municipality.
 - e) refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.

SECTION 5 FIRE PERMITS

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- 5.1 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 January 1 to December 31 each calendar year at a nil fee.
- 5.2 Notwithstanding clause 5.1 of this Section, any fire permit issued pursuant to the Forest and Prairie Protection Act (supra) shall be deemed for all purposes to be a fire permit issued pursuant to this Bylaw.
- 5.3 An application for a Fire Permit for an Outdoor Fire or a Structure Fire shall be made to a Fire Guardian verbally or in writing and the Fire Guardian shall receive and consider the application and after having done so he may, in his absolute discretion, issue or refuse issuance to the applicant.
- 5.4 When issuing a Fire Permit a Fire Guardian may issue the Fire Permit unconditionally or he may impose conditions considered appropriate.
- 5.5 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian issuing the permit, but in any case shall not exceed five (5) days, the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 5.6 Each application for a Fire Permit must contain the following information:
- a) the name and address of the applicant;
 - b) the legal description of the land on which the applicant proposes to set a fire;
 - c) the type and description of material which the applicant proposes to burn;
 - d) the period of time the Fire Permit is valid;
 - e) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his control;
 - f) the signature of the applicant;
 - g) the signature of the Fire Guardian issuing the Fire Permit.
- 5.7 Where an emergency or a potential emergency exists, the Fire Chief or their designate shall be empowered to suspend all Structural Fires, Incinerator Fires, Outdoor Fires, or any outdoor camping fire lit for cooking or warming purposes within all or a portion or portions of the Municipal District for such a period of time and on such conditions as may be determined by the Fire Chief or their designate.
- 5.8 A fire permit shall not be transferable.

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SECTION 6 EXEMPTIONS

A Fire Permit is not required under this Bylaw for the following:

- 6.1 An incinerator or barbecue or fire pit provided that;
 - a) a minimum of 4 metres clearance from buildings, property lines and combustible materials, or as approved by the Fire Chiefs office is maintained;
 - b) it is constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components;
 - c) it has a spark arrestor mesh screen of 0.7 centimetres (.25 inches) expanded metal (or equivalent) to contain sparks over the fire at all times;
 - d) they be 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;
 - e) only wood, charcoal briquettes, propane or natural gas fuels are used;
 - f) flame height does not exceed 90 cm (3.28 feet) above the incinerator, barbecue or fire pit.
- 6.2 This Bylaw does not apply to any Industrial or Commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations.
- 6.3 This Bylaw does not apply to fires that are set for the purpose of training fire fighters.
- 6.4 No burning is allowed in areas designated as Municipal or Environmental Reserves or in designated Restricted Burn Areas.

SECTION 7 OFFENCES

- 7.1 No person shall light an Outdoor Fire or a Structure Fire unless they are the holder of a subsisting Fire Permit if required under the Bylaw or the Forest and Prairie Protection Act or both.
- 7.2 No person shall allow an Outdoor Fire or a Structure Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to the Bylaw.
- 7.3 When a fire is lit under the circumstances described in Section 7.2 the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - a. extinguish the fire immediately, or
 - b. where he is unable to extinguish the fire immediately, report the fire to the Fire Department.
 - c. be liable to prosecution under summary conviction and/or costs incurred by the Municipality to respond, suppress and extinguish the fire.
- 7.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee

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ignite a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.

- 7.5 No person shall light an Outdoor Fire, a Structure Fire or an Incinerator Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 7.6 No person shall place prohibited debris within a fire without prior approval.
- 7.7 No person shall light an outdoor fire, structure fire, incinerator fire, barbecue or fire pit fire during a municipal or provincial fire ban pursuant to the Forest Prairie Protection Act (supra).
- 7.8 No person shall obstruct a municipal constable, fire guardian or member of the Fire Chief's office 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.
- 7.9 Every person shall not disclose false information when applying for a fire permit.
- 7.10 No person shall allow any fire to give off a dense smoke or offensive odour in a manner which creates a risk to public safety or creates a nuisance to neighbouring person(s) or property.
- 7.11 Any person whether in possession of a valid permit or otherwise lights a fire for the purposes described in this bylaw is responsible to ensure that the burn is conducted in a safe manner.

SECTION 8 PENALTIES

- 8.1 Any person who fails to hold a subsisting Fire Permit when one is required under this Bylaw is guilty of an offence and is liable to a summary conviction fine as prescribed in the Master Rates Bylaw.
- 8.2 A person who fails to comply with any provision contained in the Bylaw, except for the failure to hold a subsisting Fire Permit which is otherwise provided for under Section 8.1 of the Bylaw, is guilty of an offence and is liable on summary conviction to imprisonment to a term of not more than six (6) months, or to a fine of not more than Twenty Five Hundred (\$2,500.00) Dollars, or to both a fine and imprisonment.
- 8.3 Where a person contravenes the same provision of this bylaw twice within one twenty four month period, the specified penalty payable in respect of the second contravention shall double in the amount as prescribed in the Master Rates Bylaw, in respect of that provision.
- 8.4 Where a person contravenes the same provision of this bylaw three or more times within one twenty four month period, the specified penalty payable in respect of the third or subsequent contravention shall be four times the amount as prescribed in the Master Rates Bylaw, in respect of that provision.

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- 8.5 A Special Constable is authorized to enforce this bylaw under Sec. 7 of the M.G.A. R.S.A. 2000, M-26 has reasonable and probable grounds to believe that a person has contravened any section of this bylaw; may under the authority of the Provincial Offences Procedure Act issue a Part 2 violation ticket to that person.
- 8.6 Where action has been taken whatsoever by the Municipal District for the purpose of responding to a fire call, suppression activities and extinguishing a fire or for the purpose of preserving life of property from injury or destruction by fire, the Fire Chief or Deputy Fire Chief may in respect of any costs incurred in such action, charge any costs so incurred to the person who caused the fire, or to the owner or occupant of the land in respect of which the action was taken.
- 8.7 In respect of any costs or fees levied or charged under this bylaw:
- a) the Municipal District may recover such costs of fees as a department due and owing to the Municipal District pursuant to Section 552 of the Municipal Government Act R.S.A. 2000, Chapter M-26; and
 - b) in default of payment, where permitted by the Municipal Government Act, R.S.A. 2000 Chapter M-26 Section 533(1)(c). Add the amounts due to the tax roll of the land parcel.

SECTION 9 SEVERABILITY

- 9.1 Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 10 And upon third reading thereof, Bylaw C-4923-98 is hereby rescinded.

THIS BYLAW SHALL COME INTO EFFECT WHEN IT HAS RECEIVED THIRD AND FINAL READING.

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 11th day of June, 2002 on a motion by Councillor Kent.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 11th day of June, 2002 on a motion by Councillor Cameron.

Permission to give third and final reading was carried unanimously in open Council assembled in the City of Calgary, in the Province of Alberta, this 11th day of June, 2002, on a motion by Councillor Everett.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 11th day of June, 2002 on a motion by Councillor Schule.

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REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY