

TOWN OF ROCKY MOUNTAIN HOUSE

BYLAW 05/24V

BEING A BYLAW IN THE TOWN OF ROCKY MOUNTAIN HOUSE, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE PREVENTION AND CONTROL OF FIRES

WHEREAS Section 7(a) and (b) of the Municipal Government Act, R.S.A 2000, c. M-26 authorize a municipality to 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 Town of Rocky Mountain House;

NOW THEREFORE, the Council of the Town of Rocky Mountain House enacts as follows:

This Bylaw may be cited as the “Fire Control Bylaw”

PART 1 DEFINITIONS

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, is maintained from buildings, property lines, or other combustible material;
 - ii. the fire pit height does not exceed . 6 metres when measured from the surrounding grade to the top of the pit opening;
 - iii. the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;
 - iv. the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief; and,
 - v. a spark arrestor mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.

- b) “Acceptable Fireplace” means an outdoor receptacle that meets the following specifications:

- i.** a minimum of 1 metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
 - ii.** the fireplace is constructed of materials, such as bricks or rocks, that are heat and flame resistant;
 - iii.** the fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;
 - iv.** the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - v.** the base of the fire burning area is not less than .3 metres above the surrounding grade; and,
 - vi.** the fire chamber does not exceed 1.25 metres in width, and is at least .4 metres but not more than .6 metres in depth.
- c) “Burnable Debris” means materials other than Prohibited Debris burned in accordance with the Permit and all applicable statutes and bylaws including but not limited to materials such as:
- i.** straw and stubble;
 - ii.** grass and weeds;
 - iii.** leaves and tree prunings;
 - iv.** brush and fallen trees on newly cleared land or associated with logging operations;
 - v.** used power, telegraph and telephone poles that do not contain wood preservatives;
 - vi.** wooden material from the construction or demolition of buildings which does not contain wood preservatives;
 - vii.** solid waste from sawmills or planing mills with an annual production of less than 6500 cubic metres of lumber;
 - viii.** solid waste from post and pole operations that does not contain wood preservatives; and,
 - ix.** solid waste from tree harvesting operations.
- d) “Council” means the Council of the Town of Rocky Mountain House.
- e) “Class A Materials” means clean wood, paper, twigs and garden chippings, garden debris.
- f) “Designate” means any person employed or appointed by the Town of Rocky Mountain House Council or a Fire Guardian as appointed under the Forest and Prairie Protection Act.
- g) “Development Permit” means" a document authorizing a development issued pursuant to the Land Use Bylaw;
- h) “Fire Ban” means a provincial minister order or an order made by and at the discretion of the District Fire Chief, Regional Fire Chief or a designated member of the Rocky Mountain House Fire Department may cancel any or all fire permits, prohibiting the lighting or requiring the extinguishment of a fire.
- i) “District Fire Chief” means the person appointed as head of The Town of Rocky Mountain House Fire Department.

- j) “District Fire Chief Office” means the District Fire Chief, District Deputy Fire Chief, Regional Fire Chief or a designate.
- k) “Fire Permit” means a permit issued by a Fire Guardian pursuant to the Forest and Prairie Protection Act or this Bylaw or both allowing for the setting of outdoor fires or structure fires or incinerator fires within the Municipality.
- l) “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 millimeters and is used for the purpose of burning Class A Materials such as garden debris, wood and paper.
- m) “Municipal Fire Guardian” means a person named or appointed as Fire Guardian Pursuant to the Sec. 4 of the Forest and Prairie Protection Act and includes, District Fire Chief, Regional Fire Chief, Special Constables or persons designated by the Town Council.
- n) “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.
- o) “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, brush 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.
- p) “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- q) “Prohibited Debris” means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic air contaminants as per Alberta Regulation 110/93 Alberta Environmental Protection and Enhancement Act, or any other applicable statute(s) and bylaws including but not limited to:
 - i. animal cadavers;
 - ii. animal manure;
 - iii. pathological waste;
 - iv. non-wooden material;
 - v. combustible material in automobiles;
 - vi. combustible material in automobile bodies;
 - vii. tires;
 - viii. rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - ix. solid waste from sawmills or planing mills an annual product in excess of 6500 cubic metres of lumber;
 - x. used oil;
 - xi. paint containing lead;

- xii. wood or wood products containing substances for the purpose of preserving wood; and,
 - xiii. house hold refuse.
- r) “Restricted Burn Area” means an area within the Town of Rocky Mountain House as designated by the District Fire Chief and Council.
 - s) “Running Fire” means a fire burning without being under the proper control of any person.
 - t) “Special Constable” means a person as appointed under Section 42 of the Police Act R.S.A. 2000 Chapter P-17.
 - u) “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.
 - v) “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.
 - w) “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.

Part 2
MUNICIPAL FIRE GUARDIANS

2 Each year before the first of December, the Council shall appoint a sufficient number of Fire Guardians to enforce the provisions of the forest and Prairie Protection Act and this Bylaw within the boundaries of the Municipalities.

Part 3
POWERS OF MUNICIPAL FIRE GUARDIANS

3 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 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.

Part 4 FIRE PERMITS

- 4 4.1 In addition to any Fire Permit required under the Forest and Prairie Protection Act, Fire Permits shall be required under this bylaw for the period from January 1 to December 31st each calendar year at a nil fee. See Schedule “A” for “Fire Permit Form”
- 4.2 Any person wishing to obtain a Permit must apply to the Fire Chief during the normal business hours.
- 4.3 Each application for a Fire Permit must contain the following information:
- (a) the name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set a fire;
 - (b) the legal or municipal 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 for which the Fire Permit is required;
 - (e) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - (f) the signature of the applicant; and,
 - (g) the written consent to the proposed fire by the owner of the land (if different than the applicant)
- 4.4 Upon receipt of an application for a Permit, the District Fire Chief shall consider the Permit application, and may, pursuant to the provisions of this Bylaw and the Alberta Fire Code:
- (a) refuse to grant a Permit;
 - (b) grant a Permit with or without terms and conditions as deemed to be appropriate; or
 - (c) determine that a permit is not required.
- 4.5 Without limiting the generality of s.4(4.4), if a fire pit is not an Acceptable Fire Pit or if a fireplace is not an Acceptable Fireplace, the District Fire Chief may issue a permit if satisfied that the non-conforming fire pit or fireplace meets appropriate safety standards.

- 4.6 A Permit shall not be transferable.
- 4.7 Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian and the Fire Permit shall have endorsed thereon the period of time for which the said Permit is valid.
- 4.8 The District Fire Chief may extend the period of time that a Fire Permit is valid, provided the Fire Permit has not expired.

PART 5

OPEN AIR FIRES PROHIBITED

No person shall permit an open air fire or any other fire upon land owned, occupied, or under his or her control within the Town, unless a Permit has been obtained, the provisions outlined on the Permit are complied with, and Burnable Debris is burned.

- 5.2 No person shall use a solid fuel fired barbecue in a building or on the balcony of a building containing more than 2 dwelling units.
- 5.3 Notwithstanding Part 5, Section 5.1, a Permit shall not be required under this bylaw to conduct:
 - (a) the cooking of food using a Portable Barbecuing Appliance;
 - (b) recreational burning or the cooking of food in Acceptable Fire Pits or Acceptable Fireplaces provided:
 - (i) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
 - (ii) the fire pit or fireplace is not used to burn Prohibited Debris;
 - (iii) a means, acceptable to the District Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - (iv) a responsible adult is present on the property when the fire is burning;
 - (c) burning in fireplaces in or attached to dwellings as provided by legislation;
 - (d) burning in Town owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Town;

- (e) burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation;
- (f) burning of a smudge fire confined within a non-combustible receptacle that is set on land of 0.5 hectares or more, for the purpose of repelling insects or preventing frost in an orchard or garden.

PART 6

OFFENCES

- 6.1 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.
- 6.2 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.
- 6.3 When a fire is lit under the circumstances described in Section 6.2 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 District Fire Department.
 - c) Be liable to prosecution under summary conviction and/or costs incurred by the Municipality to respond, suppress and extinguish the fire.
- 6.4 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 land not his own property or allow a running fire to pass from his own property to the property of another.
- 6.5 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.
- 6.6 No person shall place prohibited debris within a fire without prior approval.

- 6.7 No person shall light an outdoor fire, structure fire, incinerator fire, barbeque or fire pit fire during a municipal or provincial fire ban pursuant to the Forest and Prairie Protection Act (supra).
- 6.8 No person shall obstruct a, fire guardian, Peace Officer or member of the District Fire Chief's office in the performance of their duties pursuant to this bylaw or the Forest and Prairie Protection Act (supra). Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals.
- 6.9 Every person shall not disclose false information when applying for a fire permit.
- 6.10 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 neighboring person(s) or property.
- 6.11 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.
- 6.12 Use a solid fuel fired barbecue in a building or on the balcony of a building containing more than 2 dwelling units.

PART 7

PENALTIES

- 7.1 Any person who fails to hold a subsisting fire permit when one is required under this bylaw is guilty of an offence punishable on summary conviction and is liable for a first offence, to a specified penalty referred in Schedule "B" of this bylaw and in default of payment of the fine and costs, to imprisonment for six months.
- 7.2 If a Violation Ticket is issued in respect of an offence, Violation Ticket may:
- a) specify the fine amount established by this Bylaw for the offence; or
 - b) require a person to appear in Court without the alternative of making a voluntary payment.
- 7.3 A person who commits an offence, may;
- a) If a Violation Ticket is issued in respect of the offence; and
 - b) If the Violation Ticket specifies the fine amount established by the Bylaw for the offence
- make a voluntary payment equal to the specified fine by delivering the Violation Ticket and the specified fine to the Provincial Court Office specified on the Violation Ticket.
- 7.4 Any 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 under section 7.1 of the bylaw, is guilty of an offence and is liable on summary conviction to imprisonment to a term or 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.

- 7.5 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 prescribed in Schedule “B” of this bylaw, in respect of that provision.
- 7.6 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 Schedule “B” of this bylaw, in respect of that provision.
- 7.7 A Peace Officer is authorized to enforce this bylaw under Section 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.
- 7.8 Where action has been taken whatsoever by the Town of Rocky Mountain House 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 District Fire Chief or District 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.
- 7.9 In respect of any costs or fees levied or charged under this bylaw:
 - a) the Town of Rocky Mountain House may recover such costs or fees due and owing to the Town pursuant to Section 552 of the Municipal Government Act R.S.A. 2000 Chapter M-26;
 - b) in default of payment, where permitted by the Municipal Government Act, R.S.A 2000 Chapter M-26 Section 553(1)(c). Add the amounts due to the tax roll.

This Bylaw shall come into effect on the day of its final reading.

READ A FIRST TIME IN COUNCIL THIS 16th DAY OF AUGUST, 2005

READ A SECOND TIME IN COUNCIL THIS 20th DAY OF SEPTEMBER, 2005.

READ A THIRD AND FINAL TIME IN COUNCIL THIS 20th DAY OF SEPTEMBER, 2005.

Mayor

Town Manger

FIRE PERMIT (SCHEDULE "A" BYLAW 05/24V)

Issued under the authority of the Forest and Prairie Protection Act, R.S.A 2000 (SURPA) & Soil Conservation Act 2000 Chapter S15, The Regulations there under and Bylaw No. XXXXXXXX

INSTRUCTIONS FOR COMPLETING PERMIT

1. Please print all information.
2. Use Municipal Addressing
3. Refer to Standard Operating Guideline Manual for assistance.
4. This permit is not transferable.
5. This permit is not valid unless countersigned **by a Town Fire Guardian.**

The permit holder is required to obtain an Incident number from Central Dispatch. (see item #10. below)

REGULATIONS

NUMBER

1. IT IS THE RESPONSIBILITY OF THE APPLICANT TO:
 - a. Obtain permission, if necessary, to burn on any land.
 - b. Be familiar with and abide by the requirements of the Forest and Prairie Protection Act (SURPA), the regulations thereunder and Bylaw XXXXXXXX
2. The permit period is limited to a maximum of **Seven (7) days** unless special conditions apply.
3. The permit holder is responsible for all above and below ground utilities.

THIS PERMIT AUTHORIZES:

THE OWNER

LESSEE

OCCUPANT

NAME: _____

CELLULAR: _____

MUNICIPAL ADDRESS: _____

TELEPHONE: _____

NE) (SE) (SW) (NW) ¼ SEC _____

TWP _____

RNG _____

W. of _____

MERIDIAN _____

FAX: _____

Size of pile being burned _____

Length X _____

Width X _____

Height X _____

PURPOSE OF BURN _____

- ENSURE ALL PROHIBITED DEBRIS ARE REMOVED (Copy of applicable documentation forwarded to Regional Fire Chief for file)
- CLIPPINGS & PRUNING GARDEN MATERIEALS
- CLEAN LUMBER WASTE OR PAPER & CARDBOARD MATTERIALS
- OTHER TYPES OF BURNABLE DEBRIS

EXCEPT WHERE OTHERWISE NOTED ON THIS PERMIT OR IN BY-LAW XXXXXXXX, BURNING SHALL BE DONE IN COMPLIANCE WITH THE FOREST AND PRAIRIE PROTECTION ACT (SUPRA), THE REGULATIONS MADE THEREUNDER AND THE FOLLOWING CONDITIONS APPLY:

- 1. Permittee is responsible for the safe control of the burning herein authorized;
- 2. Permit authorized only when winds less than 12 km per hour. **INQUIRE AT 845-3183 FOR WIND SPEEDS;**
- 3. A minimum of one (1) adult capable of extinguishing a fire must be in attendance at all times;
- 4. Sufficient tools, equipment or quantities of water must be readily available for the size of burn being conducted (AR-310-72 section 14D);(Permit holder may need to contact the Town operations department regarding the use of Fire Hydrants 845-3220)
- 5. Ensure adequate space and clearances from other combustible materials is maintained
- 6. Post smoke signs if burning within ½ kilometer of a primary or secondary highway;
- 7. Permit holders must advertise two weeks in advance of the burn date.
- 8. Permit holders must personally notify near by residents & businesses prior to burning.
- 9. Consideration must be given to neighbors. Burning may not be conducted when wind blows smoke towards residential or commercial structures within 1,000 meters of the burn site;
- 10. **Notify Dispatch ½ hour prior to burning and upon completion of burning. Central Dispatch PHONE: 845-3600**
- 11. Ensure that a 24 hour fire watch is maintained at the site until the fire is OUT
- 12. Upon completion of burn ensure debris is disposed of.

Effective Date: _____

Expires: _____

- The permit holder to indemnify and save harmless the Town of Rocky Mountain House from ALL liability arising out of the operations authorized by this Fire Permit.

The permit holder will ensure adequate insurance coverage including naming the Town of Rocky Mountain House.

The Town and / or Regional Fire Chief reserve the right to immediately stop any and all burning operations at their sole discretion for any reason relating to community health and wellness. The permit holder will be responsible for any and all costs associated with the cessation of burn operations.

THE PERMITTEE AGREES TO PAY THE COST OF EXTINGUISHING FIRES CAUSED BY WILLFUL VIOLATION OF ANY CONDITION SET OUT IN THIS FIRE PERMIT. ANY PERSON AUTHORIZED TO CONDUCT BURNING PURSUENT TO THIS PERMIT SHALL BE RESOPNSIBLE TO THE TOWN OF ROCKY MOUNTAIN HOUSE FOR THE COST OF EXTINGUISHING THE FIRE.

IN THE EVENT OF A FIRE BAN BEING ANNOUNCED BY THE TOWN OR THE PROVINCE, ALL FIRE PERMITS ARE AUTOMATICALLY CANCELLED WITHOUT FURTHER NOTICE TO THE PERMIT HOLDER.

I HAVE READ AND UNDERSTAND THE CONDITIONS ABOVE AND I ACCEPT FULL RESPONSIBILITY.

SPECIAL CONDITIONS
DATE ISSUED:

Permittee Signature
Fire Guardian (Name & Designation #)
Counter Signed by Fire Guardian

NOTE: THIS PERMIT IS NOT VALID UNLESS COUNTER SIGNED BY A TOWN OF ROCKY MOUNTAIN HOUSE FIRE GUARDIAN.

SCHEDULE “B”

FIRE PERMITS VOLUNTARY FINES

Section 6.1	Light outdoor or structure fire with no permit	\$250.00
Section 6.2	Owner/Occupier of land burn without permit	\$250.00
Section 6.3	Owner/Occupier fail to extinguish or report fire	\$250.00
Section 6.4	Person create “running fire” due to negligence	\$250.00
Section 6.5	Fail to take precautions	\$250.00
Section 6.6	Burn prohibited debris	\$1,000.00
Section 6.7	Burn during fire ban	\$1,000.00
Section 6.8	Obstruct Peace Officer, Fire Guardian, or a Member Of the Fire Chief’s Office	\$1,000.00
Section 6.9	Fail to provide proper information for permit \$500.00	
Section 6.10	Dense smoke risk public safety / nuisance	\$250.00
Section 6.11	Permit holder fail to take precautions	\$250.00
Section 6.12	Use a solid fuel fired barbecue in a building or on the balcony of a building containing more than 2 dwelling units.	\$500.00