

**YELLOWHEAD COUNTY
BYLAW NO. 18.02**

copy

*BYLAW OF YELLOWHEAD COUNTY, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF PREVENTING AND CONTROLLING FIRES*

WHEREAS, the Municipal Government Act, R.S.A. 2000 c M-26, as amended (hereinafter referred to as “the Act”), provides that a 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, R.S.A. 2000, Chapter F-19, as amended, provides certain additional powers and responsibilities that may be enacted by the Council of Yellowhead County so that it can enforce the provisions of the said Forest and Prairie Protection Act within the boundaries of Yellowhead County;

AND WHEREAS, the Council of Yellowhead County wishes to prevent and control fires within Yellowhead County;

NOW THEREFORE, the Council of Yellowhead County, of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - NAME OF BYLAW

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

SECTION 2 - APPLICATION

- 2.1 This Bylaw applies to that portion of Yellowhead County, which is located east of Provincial Highway 22 and north of Provincial Highway 16 as shown on the map described as Appendix A of this Bylaw.

SECTION 3 - DEFINITIONS

- 3.1 In this Bylaw:

- (a) “Council” means the Council of Yellowhead County;
- (b) “County” means Yellowhead County;
- (c) “Director of Emergency Services”, is the Director of Emergency Services for Yellowhead County and performs the duties and responsibilities of a Fire Chief;
- (d) “Fire Department”, means the Yellowhead County Fire Department;
- (e) “Fire Guardian”, means the Reeve, each member of the Council, the Chief Administrative Officer, the Director of Emergency Services and such other persons as the Director of Emergency Services shall appoint to perform such functions as are set forth in this Bylaw and the Forest and Prairie Protection Act;
- (f) “Fire Permit”, means a permit in a form prescribed by the Director of Emergency Services that is issued by a Fire Guardian pursuant to the Forest and Prairie Protection Act or this Bylaw;
- (g) “Incinerator Fire”, means a fire that is confined within a noncombustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 13 millimeters and which is used for the purpose of burning refuse, protecting livestock from insects, or for protecting garden plants from frost;

- (h) "Outdoor Fire", means any fire other than that defined as an Incinerator Fire and shall include fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or wood;
- (i) "Violation Ticket", means a ticket issued for a breach of any of the provisions of this Bylaw and shall be in the form prescribed by the Provincial Offences Procedure Act, R.S.A. 2000, c P-34, as amended, and Regulations thereunder.

SECTION 4 - FIRE GUARDIANS

- 4.1 Council delegates to the Director of Emergency Services the authority to appoint Fire Guardians, and each year before the 1st day of March, the Director of Emergency Services shall appoint the number of Fire Guardians which is, in his opinion, sufficient to enforce the provisions of the Forest and Prairie Protection Act and this Bylaw.

SECTION 5 - POWERS OF FIRE GUARDIANS

- 5.1 Unless otherwise limited by the Director of Emergency Services, each Fire Guardian shall have the authority and power to:
- (a) Issue a Fire Permit in respect of any land within the County and outside of the Forest Protection Area as described in the Forest and Prairie Protection Act;
 - (b) Issue a Fire Permit unconditionally or impose conditions upon a Fire Permit 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) Carry out the provisions of the Forest and Prairie Protection Act authorizing Fire Guardians to act;
 - (e) Issue and serve a Violation Ticket when the Fire Guardian has reasonable grounds to believe that a person has committed a breach of any of the provisions of this Bylaw.

SECTION 6 - FIRE PERMITS

- 6.1 An application for a Fire Permit for an Outdoor Fire shall be made to a Fire Guardian in writing and the Fire Guardian shall receive and consider the application and after having done so he may, in his absolute discretion, issue to the applicant a Fire Permit.
- 6.2 When issuing a Fire Permit a Fire Guardian may issue the Fire Permit unconditionally or he may impose conditions considered appropriate.
- 6.3 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 and the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 6.4 Fire Permits shall be in a form prescribed by the Director of Emergency Services.

SECTION 7 - EXEMPTIONS

- 7.1 A Fire Permit is not required under this Bylaw for the following:
- (a) An Incinerator Fire which is located outside the Hamlet boundaries of Evansburg; or
 - (b) An Outdoor Fire that is set for the purposes of cooking or obtaining warmth; or
 - (c) A fire that has been set by the Fire Department for the purpose of training or hazard reduction.

SECTION 8 - SUSPENSION OF BURNING

- 8.1 Where an emergency or a potential emergency exists, the Director of Emergency Services, or his designate shall be at liberty to suspend all types of burning, for such period of time and on such conditions as may be determined by the Director of Emergency Services or his designate.

SECTION 9 - OFFENCES

- 9.1 Any person who ignites, fuels, supervises, maintains or permits an Outdoor Fire without a valid Fire Permit as required by this Bylaw is guilty of an offence.
- 9.2 No person shall, directly or indirectly, personally or through an agent, servant or employee kindle 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 property to the property of another.
- 9.3 No person shall light an Outdoor Fire or an Incinerator Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 9.4 No person shall light an Incinerator Fire within the Hamlet boundaries of Evansburg.
- 9.5 No person shall conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring.
- 9.6 No person shall use a fire to burn:
- (a) Manure;
 - (b) Livestock or other animal carcasses;
 - (c) Material that will result in the production of dense black smoke including insulation from electrical wiring or equipment, asphalt roofing material, hydrocarbons, plastics, household plastics, rubber materials or creosote wood;
 - (d) Herbicides, pesticides or any other toxic material or substance.
- 9.7 No person shall permit an Outdoor 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 this Bylaw.
- 9.8 When a fire is lit under the circumstances described in Section 9.7 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.

SECTION 10 - PENALTIES

- 10.1 Any person who fails to hold a subsisting Fire Permit when one is required under this Bylaw is guilty of an offence and is subject to a fine of \$100.00 for the first offence in any calendar year; to a fine of \$200.00 for the second offence in any calendar year; and a fine of \$300.00 for the third and each subsequent offence in any calendar year.
- 10.2 A violation Ticket issued to a person referred to in section 10.1 of this Bylaw shall require the payment of the appropriate penalty specified in section 10.1.
- 10.3 A person who fails to comply with any provision contained in this Bylaw, except for the failure to hold a subsisting Fire Permit which is otherwise provided for under section 10.1 of this Bylaw, is guilty of an offence and is liable on conviction to a fine of not less than \$500.00 and not more than \$2,500.00.
- 10.4 Violation Ticket shall be deemed to be sufficiently served:
- (a) if served personally on the accused; or
 - (b) if mailed to the address of the person accused.

SECTION 11 - SEVERABILITY

11.1 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 severable from the rest of this Bylaw and this 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.

This Bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, being Chapter M-26, R.S.A., 2000.

M-71. READ a first time this 14th day of May, A.D., 2002.

PUBLIC INPUT SESSION held this 11th day of June, A.D., 2002.

READ a second time this 11th day of June, A.D., 2002.

READ a third time this 11th day of June, A.D., 2002.

SIGNED this 11th day of June, A.D., 2002.


Reeve


Director of Legislative Services

