



BYLAW NO. 01.24

BEING A BYLAW TO PREVENT AND CONTROL FIRES

WHEREAS the Municipal Government Act, R.S.A., 2000, c M-26, and amendments thereto, 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, c F-19, and amendments thereto, 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;

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

1. TITLE

- 1.1. This bylaw may be called the "Burning Bylaw."

2. DEFINITIONS

- 2.1. **Council** means the duly elected Council of Yellowhead County.
- 2.2. **County** means Yellowhead County.
- 2.3. **Fire Department** means the Yellowhead County Fire Department.
- 2.4. **Fire Guardian** means the Mayor, each member of the Council, the Chief Administrative Officer, the GM of Protective Services and such other persons as the GM of Protective Services shall appoint to perform such functions as are outlined in this Bylaw and the Forest and Prairie Protection Act.
- 2.5. **Fire Permit** means a permit in a form prescribed by the GM of Protective Services issued by a Fire Guardian pursuant to the Forest and Prairie Protection Act or this Bylaw.
- 2.6. **General Manager of Protective Services** is the GM of Protective Services for Yellowhead County and performs the duties and responsibilities of a Fire Chief.
- 2.7. **Incinerator Fire** means a fire that is:
- 2.7.1. 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 13 millimetres; and

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- 2.7.2. used for the purpose of burning refuse, protecting livestock from insects, or protecting garden plants from frost;
- 2.8. **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.
- 2.9. **Peace Officer** means any sworn member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, S.A. 2006, c P-3.5, as amended, or a Bylaw Enforcement Officer employed by the County
- 2.10. **Running Fire** means a fire burning without being under the proper control of any person.
- 2.11. **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.
- 2.12. **Winter Burn** means a fire burning between November 1st and February 28th.
- 2.12.1. Individuals are still responsible for any fire they ignite during a winter burn and must ensure the fire is controlled at all times and is put out before March 1st.
- 2.12.2. Individuals must register the burns with Yellowhead County during this period by calling the County directly.
- 2.12.3. All burn areas must be confirmed as being extinguished on or before March 1st of every year.

3. APPLICATION

- 3.1. 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 in Appendix A of this Bylaw.

4. FIRE GUARDIANS

- 4.1. Council delegates the authority to appoint Fire Guardians to the GM of Protective Services.
- 4.1.1. The GM of Protective Services shall appoint the number of Fire Guardians, which, in their opinion, is sufficient to enforce the Forest and Prairie Protection Act provisions and this Bylaw before the 1st day of March in any given year.
- 4.1.2. Fire Guardians will be appointed for a maximum of 12 months.

5. POWER OF FIRE GUARDIANS

- 5.1. Unless otherwise limited by the GM of Protective Services, each Fire Guardian shall have the authority and power to:
- 5.1.1. Issue a Fire Permit with respect to any land within the County and outside of the Forest Protection Area, as described in the Forest and Prairie Protection Act.
- 5.1.2. Issue a Fire Permit unconditionally or impose conditions upon a Fire Permit which the Fire Guardian considers appropriate;

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- 5.1.3. Suspend or cancel at any time a Fire Permit;
- 5.1.4. Carry out the provisions of the Forest and Prairie Protection Act authorizing Fire Guardians to act;
- 5.1.5. Issue and serve a Violation Ticket when the Fire Guardian has reasonable grounds to believe that a person has breached any of this Bylaw's provisions.

6. FIRE PERMITS

- 6.1. Fire permits shall be issued from March 1 to October 31 of any given year and may be suspended or cancelled based on current fire hazard conditions as determined by the GM of Protective Services.
- 6.2. An application for a Fire Permit for an Outdoor Fire shall be made to a Fire Guardian in writing.
 - 6.2.1. The Fire Guardian shall receive and consider the application and, after doing so, may, at their absolute discretion, issue a Fire Permit to the applicant.
- 6.3. When issuing a Fire Permit, a Fire Guardian may issue the Fire Permit unconditionally or may impose conditions considered appropriate.
- 6.4. Fire Permits issued under this bylaw are valid for such period as shall be determined and set by the Fire Guardian issuing the permit, and the Fire Permit shall have endorsed thereon the period for which the permit is valid.
- 6.5. Fire Permits shall be in a form prescribed by the GM of Protective Services.

7. EXEMPTIONS

- 7.1. A Fire Permit is not required under this Bylaw for the following:
 - 7.1.1. An Incinerator Fire which is located outside the Hamlet boundaries of Evansburg or
 - 7.1.2. An Outdoor Fire that is set for cooking or obtaining warmth or
 - 7.1.3. A fire that the Fire Department has set for training or hazard reduction.
 - 7.1.4. Winter burning from November 1st to February 28th, unless the GM of Protective Services has issued a ban restricting burning in accordance with section 8.1.

8. SUSPENSION OF BURNING

- 8.1. Where an emergency or a potential emergency exists, the GM of Protective Services or their 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 GM of Protective Services or their designate.
 - 8.1.1. Upon receiving notice of the suspension or cancellation, the person concerned shall immediately extinguish any fire set pursuant to their permit.

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9. OFFENCES

- 9.1. No person shall ignite, fuel, supervise, maintain or permit an Outdoor Fire without a valid Fire Permit.
- 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 their property or allow a running fire to pass from their property to the property of another.
- 9.3. No person shall light an Outdoor Fire or an Incinerator Fire without first taking sufficient precautions 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 involving the use of fire that might reasonably be expected to cause a fire that is not permitted under this Bylaw unless the person exercises reasonable care to prevent the fire from occurring.
- 9.6. No person shall use a fire to burn:
 - 9.6.1. Manure;
 - 9.6.2. Livestock or other animal carcasses;
 - 9.6.3. 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;
 - 9.6.4. Herbicides, pesticides or any other toxic material or substance.
- 9.7. No person shall permit an Outdoor Fire to be lit upon land owned or occupied by them or under their control except when such fire is permitted under this Bylaw.
- 9.8. If a fire not permitted under this Bylaw is lit, the person owning, occupying, or having control of the land upon which the fire is lit shall:
 - 9.8.1. Extinguish the fire without delay or
 - 9.8.2. If the person cannot extinguish the fire immediately, report the fire to the Fire Department.

10. FIRE PROTECTION CHARGES

- 10.1. Anyone who contravenes any provision in this Bylaw that requires a response from the Fire Department is responsible for paying all fees relating to ladder & pumper trucks, light & medium rescue vehicles or command vehicles and will be charged in accordance with the Alberta Transportation – Rates of Reimbursement for Fire Department units.
- 10.2. Upon providing Fire Protection within or outside the County's boundaries, the County may, in its sole and absolute discretion, charge Fire Protection fees to any or all of the following persons, namely:

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- 10.2.1. The person or persons responsible for causing or contributing to the fire;
- 10.2.2. The owner or occupant of the parcel of land; and
- 10.2.3. All persons charged are jointly and severally liable for payment of the Fire Protection Charges to the County.

11. PENALTIES

- 11.1. A person who contravenes Section 9.1, 9.7, or 9.8.1 of this Bylaw is guilty of an offence (a "Permit Offence") and is liable on summary conviction to a fine of:
 - 11.1.1. \$500.00 for a first Permit Offence in any calendar year;
 - 11.1.2. \$1,000.00 for a second Permit Offence in any calendar year;
 - 11.1.3. \$2,000.00 for a third Permit Offence and each subsequent Permit Offence in any calendar year.
- 11.2. A person who contravenes any provision in this Bylaw, except the provisions identified in Section 10.1, is guilty of an offence and is liable on summary conviction to a fine of not less than \$500.00 and not more than \$3,000.00.

12. VIOLATION TICKET

- 12.1. Notwithstanding anything else in this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 12.2. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
 - 12.2.1. specify a fine amount established by this Bylaw for the offence; or
 - 12.2.2. require a person to appear in court without the alternative of making a voluntary payment.
- 12.3. Notwithstanding anything else in this Bylaw, where a person is issued a Violation Ticket requiring them to appear in court without the alternative of making a voluntary payment, the person shall be liable upon conviction to a penalty of up to \$10,000, and in no event shall such penalty be lower than the applicable penalty set out in Part 11 of this Bylaw.

13. SEVERABILITY

- 13.1. Should any provision of this Bylaw be declared unlawful, invalid or *ultra vires*, that provision shall be severed, and the remainder of this Bylaw shall continue in full force and effect and be construed as if it had been enacted without the severed provision.

14. REPEAL

- 14.1. That bylaw 18.02 and any amendments thereto are hereby repealed.

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15. EFFECTIVE DATE

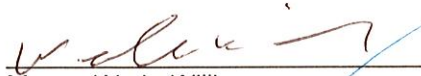
15.1. This bylaw shall come into force and effect on the third and final reading thereof.

READ a first time this 12 Day of March A.D., 2024.

READ a second time this 12 Day of March A.D., 2024.

READ a third time this 26 Day of March A.D., 2024.

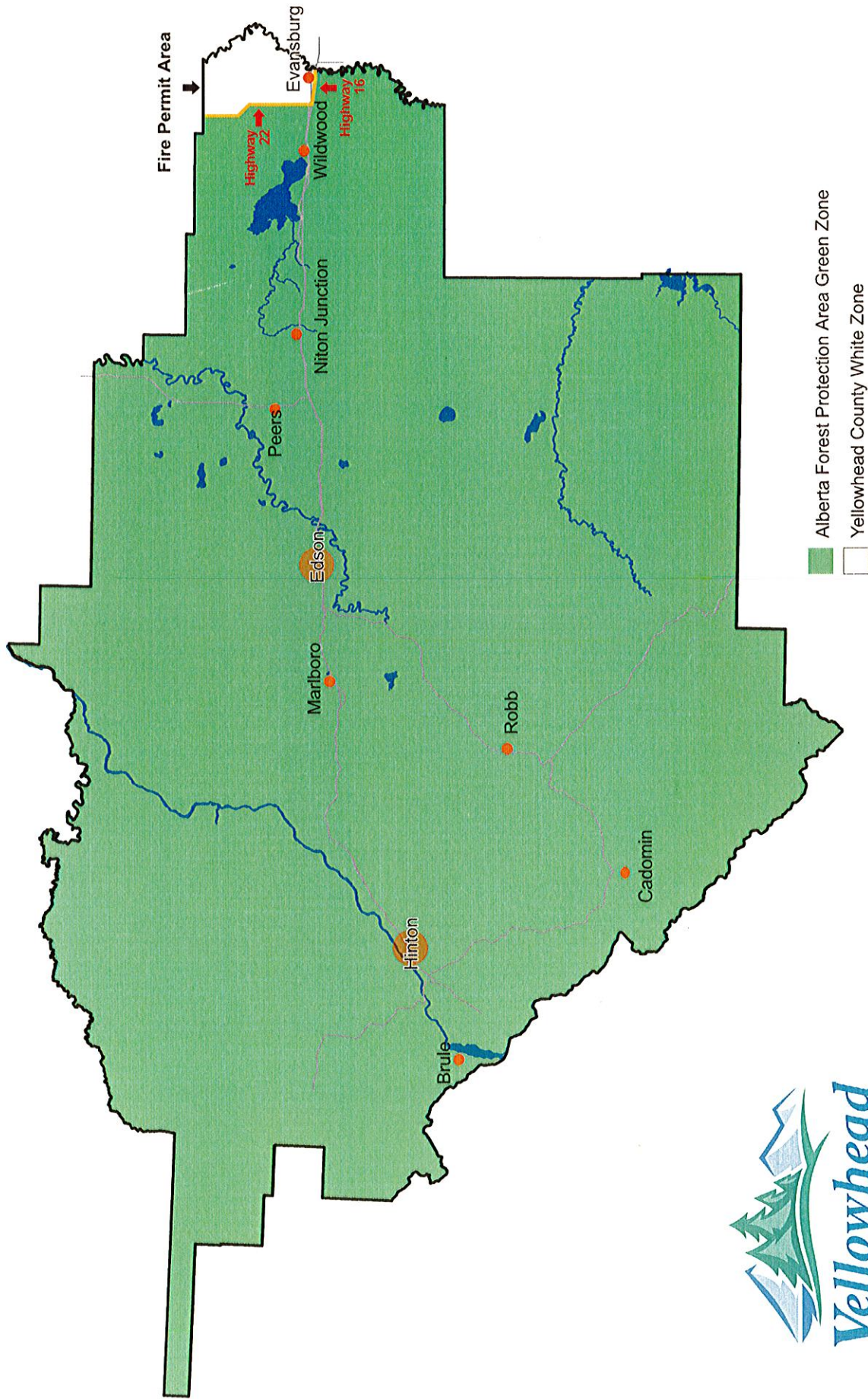
SIGNED this 26 Day of March A.D., 2024.



Mayor, Wade Williams



Chief Administrative Officer, Luc Mercier



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