

COUNTY OF WARNER NO. 5

Bylaw 824-03

**Fire Permit & Burning Bylaw**

**100 Purpose & Preamble**

- 101 The County of Warner No. 5 wishes to pass a Bylaw which will provide measures for the prevention, regulation and control of the lighting of open fires within the County.
- 102 Section 7 of the Municipal Government Act, Chapter M-26 R.S.A. 2000 provides that Council may enact Bylaws for the safety, health and welfare of people and the protection of people and property
- 103 The Forest and Prairie Protection Act, Chapter F-14 R.S.A. 2000, grants certain additional powers and responsibilities to the County of Warner No. 5. Council can enact Bylaws for the prevention of prairie or running fire and the enforcement of the provisions of the Forest and Prairie Protection Act for those purposes.
- 104 The Council of County of Warner No. 5 has established and had approved by the Safety Codes Council a Joint Fire Safety Quality Management Plan under the provisions of the Safety Codes Act, being Chapter S-1 of the Revised Statutes of Alberta, 2000.
- 105 Therefore, The Council of the County of Warner No. 5, in Council duly assembled, enacts the following Bylaw to be known as the "Fire Permit & Burning Bylaw".

**200 Definitions**

In this Bylaw:

**Administrator** - means the Chief Administrative Officer of County of Warner No. 5.

**Council** - means the Council of County of Warner No. 5. **County** - means the County of Warner No. 5.

**Fire** - means the burning of any flammable or combustible material.

**Fire Ban** - means any declaration by the Reeve, Council or the Minister of Sustainable Resource Development which bans all open burning, permitted or otherwise, within all, or specified parts of, the County of Warner No. 5.

**Fire Chief** - means the Member of a Fire Department appointed as head of the Fire Department. In the absence of the Fire Chief the senior ranking Officer shall assume the responsibilities of the Fire Chief.

**Fire Committee** - means a standing committee of Council which advises Council on Fire Protection and Fire Ban issues.

**Fire Permit** - means a written permit, issued by the County Bylaw Enforcement Officer or a Fire Guardian, allowing open burning to occur on a specific property during a specific time with or without additional conditions.

**Fire Department** - means the following, and includes any person duly appointed to the Fire Department by Council or the Fire Chief:

1. Wrentham Fire Department - *County of Warner*
2. Masinasin Seasonal Fire Department - *County of Warner*
3. Raymond Fire Department - *Town of Raymond*
4. Milk River Fire Department - *Town of Milk River*
5. Stirling Fire Department - *Village of Stirling*
6. Warner Fire Department - *Village of Warner*
7. Coutts Fire Department - *Village of Coutts*

Each Fire Department is operated under bylaw by the municipality noted in *italics*.

**Fire Hazard** - means any condition, circumstance or event that increases the possibility and/or probability of Fire occurrence.

**Fire Protection Areas** - means the following:

1. Wrentham Fire Protection Area
2. Masinasin Seasonal Fire Protection Area
3. Raymond Fire Protection Area
4. Milk River Fire Protection Area
5. Stirling Fire Protection Area
6. Warner Fire Protection Area
7. Coutts Fire Protection Area

and the boundaries of these areas are indicated on the map attached as Schedule "A".

**Fire Protection** - includes but is not limited to, fire prevention, fire suppression (including firefighting), rescue, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development, advising, and responding to a request for Fire Protection (including legitimate emergencies and false alarms).

**Fireworks** - means those materials classified as "Low Hazard Fireworks" and "High Hazard Fireworks" in the Alberta Fire Code, the Safety Codes Act and the Explosives Act of Canada.

**Property** - means any real or personal Property, which, without limiting the generality of the foregoing, includes land, equipment, product, vehicles and structures.

**Reeve** - means the "Chief Elected Official" of the Council of the County of Warner No. 5.

### **300 Fire Guardian**

301 The County Bylaw Enforcement Officer and each appointed Fire Chief or his/her designate will serve as Fire Guardians for the purposes of issuing Fire Permits under this Bylaw to enforce the provisions of the Forest and Prairie Protection Act within the boundaries of the County.

302 Council may limit the authority and power of Fire Guardians through a written description of their duties.

#### **400 Powers of Fire Guardian**

401 Unless otherwise limited by Council, each Fire Guardian shall have the authority and power to:

- a. issue a Fire Permit in respect of any land within the County
- b. issue a Fire Permit unconditionally or impose conditions upon the applicant with 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 County.

#### **500 Permits**

501 Fire Permits must be obtained from a Fire Guardian for the conducting of any open fires. Anyone wishing to obtain a permit shall be required to obtain written permission, in advance, from the landowner before starting the fire. The only exceptions are fires within a burning barrel or other enclosed container, with a screened top.

502 All Fire Permits will be registered, by radio, with the Emergency Communications Dispatch Centre and the County Bylaw Enforcement Officer at the time of issuance.

503 If a fire department attends a non-permitted open fire which has been deliberately set, the landowner may be charged for the expenses incurred by the fire department for responding.

504 Where a non-permitted fire has been attended to by a County fire department, and where fees are charged to the landowner, as per No. 503, the fees charged may be appealed by the landowner to Council.

505 Permits for the purchase or sale of "Low Hazard Fireworks" will not be available or issued within the County

506 Permits for the discharge of "Low Hazard Fireworks" may be issued by a Fire Guardian to individuals or community organizations. Such permits will be registered in the same manner as a Fire Permit.

507 Permits for the display of all "High Hazard Fireworks" in the County will only be issued by the County Bylaw Officer under the terms of the Alberta Fire Code and the Explosives Act of Canada, to an individual, business or organization who provides written proof that they have:

1. engaged the services of Certified Fireworks Supervisor; and
2. obtained a copy of Certified Fireworks Supervisor's authorization certificate; and

3. obtained the written approval of the Fire Chief for the area where the display will occur including any conditions he/she may impose; and
  4. obtained the written permission of the property owner of the location where the display will occur; and
  5. made a written undertaking that they will abide by, and are aware of, all the provisions of the Alberta Fire Code related to the display of Fireworks.
- 508 The County Bylaw Officer may choose to issue or not issue a Permit for the discharge of High Hazard Fireworks provided the requirements of No. 506 are met. He/she may attach any additional conditions they feel reasonable.
- 509 A Permit noted in No. 506 & 507 above may be revoked by the County Bylaw Officer or the Fire Chief for the area where the display will occur if, in his/her opinion, the display will create an unreasonable fire hazard due to changed conditions.

## **600 Fire Bans**

- 601 The Council may, by resolution, ban all open fires, including those in burning barrels and other enclosed containers, within all or part of the County when the potential for fire hazard conditions exists. Such a ban may be for a fixed period of time or on an "Until Further Notice" basis and may contain conditions of exception.
- 602 Fire Bans will be broadcast in regional media outlets.
- 603 Upon the issuance of a Fire Ban by Council all existing Fire Permits will be cancelled, no further Fire Permits will be issued and all holders of existing permits will be contacted to advise them that they must immediately extinguish any fires.
- 604 In cases of extreme urgency the Reeve, the Deputy Reeve, or any two Councillors may issue a Fire Ban for all or part of the County for a period of not more than 7 days per instance.
- 605 The Reeve or Deputy Reeve, based on his/her discretion and in consultation with the Fire Committee, has the authority and power to issue a waiver from any existing open fire ban to an individual or party for a specified time period.

## **700 Offences**

- 701 Any person who contravenes a provision of the Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" herein.
- 702 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 703 Nothing in this bylaw shall be construed as curtailing or abridging the right of the County to obtain compensation or to maintain an action for loss of or damage to property from or against the person or person responsible.

## **800 Violation Tag**

- 801 The County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probably grounds to believe has contravened any provision of this Bylaw.
- 802 Violation Tag may be issued to such person:
1. Either personally or,
  2. by mailing a copy to such person at his or her last known post office address.
- 803 The Violation Tag shall be in a form approved by the County or the responsible County Officer and shall state:
1. the name of the person;
  2. the offence;
  3. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  4. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  5. any other information as may be required by the County.
- 804 Where a contravention of the bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 805 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this bylaw.

## **900 Violation Ticket**

- 901 A County Bylaw Enforcement Officer, an R.C.M.P. Officer, and a Conservation Officer are hereby authorized and empowered to issue a violation ticket pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. 2000.

## **1000 General**

- 1001 Should any section of part of this bylaw be found to have been improperly enacted, or outside the County's jurisdiction, for any reason, then such section or part shall be regarded as being severed and the remaining sections shall be effective and enforceable.
- 1002 This Bylaw will function in conjunction with the "Fire Agreements Bylaw", the "Fire Operations Bylaw", and the "Fire Department" Bylaw.
- 1003 Bylaw 794-98 is repealed as of the date of third reading of this Bylaw.

THIS BYLAW SHALL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF PASSING THEREOF.

Read a first time this 3<sup>rd</sup> day of June 2003.

Read a second time this 3<sup>rd</sup> day of June 2003.

Read a third time this 3<sup>rd</sup> day of June 2003.

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Reeve

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Administrator

BYLAW 824-03

SCHEDULE A

Each Occurrence

\$200.00