

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW NO. 2016-09

BEING A BYLAW TO AUTHORIZE THE REGULATION OF FIRES WITHIN PARKLAND COUNTY, IN THE PROVINCE OF ALBERTA

WHEREAS Section 7 of the *Municipal Government Act* R.S.A. 2000, chapter M-26 ("*Municipal Government Act*") authorizes Council to pass bylaws for the safety, health and welfare of people and the protection of people and property; and

WHEREAS Section 8 of the *Municipal Government Act* R.S.A. 2000, chapter M-26 ("*Municipal Government Act*") authorizes Council to regulate or prohibit and provide for a system of licences, permits or approvals; and

WHEREAS the *Forest and Prairie Protection Act* R.S.A. 2000 chapter F-19 ("*Forest and Prairie Protection Act*") grants certain additional powers for Parkland County to prevent, regulate, control and recover costs from Fires within the municipal district;

NOW THEREFORE the Council of Parkland County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts as follows:

TITLE

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

DEFINITIONS

2. The following definitions will apply to the corresponding words in this bylaw:

- (1) "Applicant" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- (2) "Agricultural Parcel" means a property that the County's Land Use Bylaw has designated one of the following districts:
 - (a) AGG – Agricultural General District
 - (b) ANC – Agriculture/Nature Conservation District
 - (c) AGR – Agricultural Restricted District
- (3) "Attendant" means a Person who is overseeing a Fire;
- (4) "Burnable Debris" means all combustible waste other than prohibited debris and includes but is not limited to:
 - (a) straw and stubble;
 - (b) grass and weeds;
 - (c) leaves and tree prunings;
 - (d) brush and fallen trees on newly cleared land or associated with logging operations;
 - (e) wooden materials, which do not contain wood preservatives;
- (5) "Burn Barrel" means a receptacle that:
 - (a) is constructed of non-combustible material;
 - (b) is not greater than 57.2 cm (22.5 Inches) in diameter;
 - (c) is not greater than 85.1 centimeters (33.5 inches) high; and
- (6) "Commercial Parcel" means a property that the County's Land Use Bylaw has designated one of the following districts:

- (a) LC – Local Commercial District
 - (b) HC – Highway Commercial District
 - (c) EUV – Entwistle Urban Village District – C1 Main Street Commercial
- (7) “Council” means the Council of Parkland County as constituted from time to time;
 - (8) “County” means Parkland County;
 - (9) “Danger” means engaging in conduct that could have grave or serious consequences for people and property;
 - (10) “Educational Facility” is a parcel of land where the primary use is for youth and/or adult education or rehabilitation;
 - (11) “Fire” (or Fires) means any combustion whether or not flame is present or visible;
 - (12) “Fire Ban” means an order by the County that prohibits a Fire and which suspends a Fire Permit;
 - (13) “Fire Guardian” means a Person named or appointed as Fire Guardian by the County Council, pursuant to the section 4 *Forest and Prairie Protection Act*;
 - (14) “Fire Pit” means a receptacle that:
 - (a) is at least 3.0 metres (10 feet) from buildings, Property lines and anything else that could catch Fire;
 - (b) is less than 0.6 metres (1.96 feet) high;
 - (c) is less than 1.25 metre (4.1 feet) wide;
 - (d) has enclosed sides made from bricks, concrete, heavy-gauge metal or other non-combustible material;
 - (15) “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 Fires within the County;
 - (16) “Fire Restriction” means a limitation on the type and duration of a Fire Permit to all or portions of the County;
 - (17) “Hazard” means a source of Danger or potential Danger;
 - (18) “Incinerator Fire” means a Fire that is confined within a non-combustible structure, container or barrel with openings covered with a Spark Arrestor, but does not include any industrial or commercial type incinerator that is required to be licensed under the *Alberta Environmental Protection and Enhancement Act* regulations;
 - (19) “Industrial Parcel” means a property that the County’s Land Use Bylaw has designated one of the following districts:
 - (a) BI – Business Industrial District
 - (b) MI – Medium Industrial District
 - (c) HI – Heavy Industrial District
 - (d) RIC – Rural Industrial/Commercial District
 - (e) RE – Resource Extraction District
 - (f) IRD – Industrial Reserve District
 - (20) “Open Burning” means a Fire that is not contained within a Fire Pit, does not have a Spark Arrestor, or that does not pass through a stack, duct or chimney;
 - (21) “Oversized Fire Pit” means a receptacle that:
 - (a) is at least 3.0 metres (10 feet) from buildings, Property lines and anything else that could catch Fire;
 - (b) has enclosed sides made from bricks, concrete or heavy-gauge metal;

- (c) has enclosed sides made from bricks, concrete, heavy-gauge metal or other non-combustible material; and
 - (d) exceeds either 0.6 metres (1.96 feet) in height or 1.25 metre (4.1 feet) in width;
- (22) "Owner" means:
- (a) the Person as registered on title at the Land Titles Offices;
 - (b) a Person who is recorded as the Owner of the Property on the assessment roll of the County;
 - (c) a Person who has purchased or otherwise acquired the Property, whether purchased or otherwise acquired from the Owner or from another purchase, and has not become the registered Owner thereof;
 - (d) a Person controlling the Property under construction; or
 - (e) a Person who is in possession of the Property, including under a lease, license, or permit.
- (23) "Peace Officer" means a Person appointed as a Peace Officer under Section 7 of the *Peace Officer Act*;
- (24) "Person" means an individual and also includes a firm, partnership, joint venture, proprietorship, corporate, association, society and any other legal entity;
- (25) "Prohibited Debris" means any combustible material that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances and includes but is not limited to:
- (a) animal manure;
 - (b) pathological waste;
 - (c) non-wooden material;
 - (d) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
 - (e) combustible material in automobile bodies;
 - (f) tires;
 - (g) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;
 - (h) used oil; and
 - (i) wood or wood products containing substances for the purpose of preserving wood.
- (26) "Property" means any lands, buildings, structures or premises, or any personal Property located thereupon, within the municipal boundaries of the County;
- (27) "Public Safety" means the prevention of and protection from events that could expose the general public or Property in the County to Danger, injury, harm, or damage;
- (28) "Residential Parcels" means a property that the County's Land Use Bylaw has designated one of the following districts::
- (a) CR – Country Residential District
 - (b) CRWL – Country Residential Work/Live District
 - (c) CRR – Country Residential Restricted District
 - (d) CCR – Cluster (Conservation) Country Residential District
 - (e) CRE – Country Residential Estate District
 - (f) LSR – Lakeshore Residential District
 - (g) RRH – Residential Row Housing District

- (h) MHR – Manufactured Home Residential District
 - (i) BRR – Bareland Recreational Resort District
 - (j) RC – Rural Centre District
 - (k) EUV – Entwistle Urban Village District: R1 Residential – Single Family
 - (l) EUV – Entwistle Urban Village District: R2 Residential – Medium Density.
 - (m) EUV – Entwistle Urban Village District: R3 Residential – High Density
 - (n) EUV – Entwistle Urban Village District: DC – Direct Control
 - (o) EUV - Entwistle Urban Village District: UR – Urban Reserve
- (29) “Smudge Fire” means a Fire set for the purpose of protecting livestock from insects or for protecting garden plants from frost; and which is contained within in a non-combustible container, no larger the 3.0 meters (10 feet) in diameter;
- (30) “Spark Arrestor” means a non-combustible mesh screen with openings no greater than 1.25 centimetres (0.4 inches) across;
- (31) “Specified Penalty” means a penalty specified in Schedule “A” required to be paid in response to a Violation Ticket, for an alleged offence of any section of this Bylaw;
- (32) “Violation Ticket” means a ticket issued for an offence committed against any of the provisions of this Bylaw pursuant to Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34;
- (33) “Vulnerability” means an opportunity that creates a risk or a hazard.

FIRE RESTRICTION AND FIRE BAN

3. When weather conditions create a severe risk and/or hazard to Public Safety, the County shall be empowered to impose a Fire Restriction or a Fire Ban.
4. In an area defined within a County Fire Restriction:
 - (1) a Fire Permit shall become immediately suspended. A Fire Permit shall become valid at the time the Fire Restriction is lifted.
 - (2) a Fire suspended by the Fire Restriction shall be immediately extinguished.
5. In an area defined within a County Fire Ban:
 - (1) a Fire Permit shall become immediately suspended. A Fire Permit shall become valid at the time the Fire Ban is lifted.
 - (2) a Fire suspended by the Fire Ban shall be immediately extinguished.

FIRE GUARDIAN

6. Each year, before the first of April, Council shall appoint a sufficient number of Fire Guardians.
7. A Fire Guardian shall have the authority to:
 - (1) issue a Fire Permit and enact enhanced safety requirements based upon the proposed Fire, environmental conditions or other Hazards that exist at the time of a permit application;
 - (2) suspend or cancel any Fire Permit at any time based on the Hazard, risk or Vulnerability to the permit holder, adjacent Property and/or Public Safety;
 - (3) enforce the provisions of the *Forest and Prairie Protection Act* and this Bylaw within the County;
 - (4) refuse to issue a permit on reasonable and probable grounds that a proposed Fire would create an excessive Hazard, risk or Vulnerability to Public Safety.

GENERAL

8. A Fire within the County, with the exception of those listed under Exemptions, shall require a Fire Permit.
9. Council from time to time may, by bylaw, establish a fee for issuing a Fire Permit.
10. An application for a Fire Permit shall be made to a Fire Guardian in writing.
11. An Applicant shall provide all information required for the Fire Permit.
12. A Person shall immediately extinguish any Fire upon notice that their Fire Permit has been suspended or cancelled.
13. A Fire Permit Applicant who is not the Owner of the Property which is the subject of the application, shall obtain written consent from the Owner of the Property and present it upon application.
14. An Applicant shall be eighteen (18) years of age or older.
15. A Person shall adhere to all the conditions of their Fire Permit
16. A Fire Permit is not transferrable to another Person or another Property.

RESIDENTIAL AND AGRICULTURAL PARCELS

17. Permitted Fire
 - (1) Only a Fire Pit with a Fire Permit, a Burn Barrel with a Fire Permit and Open Burning with a Fire Permit shall be allowed on a Residential Parcels or Agricultural Parcel.
 - (2) A Smudge Fire with a Fire Permit is only allowed on Agricultural Parcel greater than ten (10) acres.
18. Fire Pit and Burn Barrel
 - (1) A Fire Permit may be issued any time of the year.
 - (2) A Fire Permit shall expire midnight on the 31st of December within the year the permit was issued.
19. Open Burning
 - (1) Property under ten (10) acres:
 - (a) a Fire Permit may only be issued from December 1st to December 31st and January 1st to March 31st.
 - (b) a Fire Permit may be issued for a period of no longer than fourteen (14) days.
 - (2) Property equal to or greater than ten (10) acres:
 - (a) a Fire Permit may be issued any time of the year.
 - (b) a Fire Permit may be issued for a period of no longer than thirty (30) days.
20. Smudge Fires
 - (1) Property equal to or greater than ten (10) acres:
 - (a) a Fire Permit may be issued any time of the year.
 - (b) a Fire Permit may be issued for no longer than thirty (30) days.

COMMERCIAL/INDUSTRIAL PARCELS

21. Permitted Fire
 - (1) Only an Incinerator Fire with a Fire Permit shall be allowed on a Commercial Parcel and an Industrial Parcel that are larger than three (3) acres.
22. Incinerator Fire
 - (1) A Fire Permit may be issued any time of the year.

- (2) A Fire Permit shall expire midnight on the 31st of December within the year the permit was issued.

EDUCATIONAL FACILITY

23. Permitted Fire

- (1) A Fire Pit with a Fire Permit, an Oversized Fire Pit with a Fire Permit, a Burn Barrel with a Fire Permit and Open Burning with a Fire Permit shall be allowed on an Educational Facility.

24. Fire Pit, Burn Barrel, and Open Burning

- (1) Sections 17, 18, 19 and 20 of this Bylaw apply to Fire Pit, Burn Barrel and Open Burning on Educational Facility Property.

25. Oversized Fire Pit

- (1) A Fire Permit may be issued any time of the year.
- (2) A Fire Permit shall expire midnight on the 31st of December within the year the permit was issued.

OUTDOOR WOOD-FIRED BOILER/COAL FIRED APPLIANCES

26. Outdoor wood-fired boiler appliances and indoor or outdoor coal fired appliances must meet the edition of the Canadian Standards Association Standard B415.1-10 – “Performance testing of Solid-fuel-burning heating appliances” for the date of appliance installation.

SPECIAL CIRCUMSTANCES

27. The County, any time of the year, may issue a Fire Permit for

- (1) a Fire to occur with intent to mitigate a hazard, risk and/or vulnerability to public safety, agricultural activities, and/or vegetation; and
- (2) a Fire to occur on County land.

EXEMPTIONS

28. A Fire Permit is not required for the following:

- (1) natural gas or propane appliances;
- (2) outdoor wood-fired boilers or coal fired appliances;
- (3) a Fire within a Fire Pit provided by and maintained by the County within a designated public park, municipal reserve or environmental reserve;
- (4) industrial or commercial type incinerators that is licensed under the *Alberta Environmental Protection and Enhancement Act* regulations;
- (5) a Fire that is set for the purpose of training firefighters; and
- (6) a Fire on Provincial lands under the authority of a Provincial Agency.

OFFENCES

29. The Owner of the Property upon which a Fire was ignited, without a Fire Permit required by this Bylaw, is guilty of an offence under this Bylaw.
30. Any Person who ignites a Fire, without a Fire Permit required by this Bylaw, is guilty of an offence under this Bylaw.
31. The Owner of the Property upon which a Fire was ignited, with a valid, suspended and/or cancelled Fire Permit contrary to an applicable Provincial and/or County Fire Restriction and/or Fire Ban in effect, is guilty of an offence under this Bylaw.

32. Any Person who ignites a Fire, with a valid, suspended and/or cancelled Fire Permit contrary to an applicable Provincial and/or County Fire Restriction and/or Fire Ban in effect, is guilty of an offence under this Bylaw.
33. The Owner of the Property upon which a Fire was ignited where the Fire exceeds the limitations, capabilities and/or safety precautions of any Attendant or equipment used to control the Fire, is guilty of an offence under this Bylaw.
34. An Owner of a Property that fails to maintain control of and/or allows a Fire pass from their own Property to another Property is guilty of an offence under this Bylaw.
35. An Owner of a Property upon which Prohibited Debris is placed in a Fire is guilty of an offence under this Bylaw.
36. Any Person who places Prohibited Debris in a Fire is guilty of an offence under this Bylaw.
37. An Owner of a Property upon which an outdoor wood-fired boiler appliances and indoor or outdoor coal fired appliances does not meet the edition of the Canadian Standards Association Standard B415.1-10 – “Performance testing of Solid-fuel-burning heating appliances” for the date of appliance installation is guilty of an offence under this Bylaw.
38. A Person obstructing a Peace Officer and/or representative of the County in the performance of their duties is guilty of an offence under this Bylaw. Obstruction will include, but is not limited to, failure to provide access to Property and failure to provide information as to identity of individuals.
39. A Person who fails to comply with conditions their Fire Permit is guilty of an offence under this Bylaw.
40. A Person who discloses false information when applying for a Fire Permit is guilty of an offence under this Bylaw.

PENALTIES

41. A Person who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable for the penalty prescribed by Schedule “A”, or if no penalty is specified in Schedule “A” for that particular offence, then upon summary conviction shall be liable for a fine of not more than \$10 000, or to imprisonment to a term of not more than one year, or both.
42. A Peace Officer is authorized to enforce this Bylaw under the *Municipal Government Act* and may, under Part 2 of the *Provincial Offences Procedures Act (Alberta)*, issue a Violation Ticket.
43. Where the County, or an agency acting on the County’s behalf, has incurred costs by taking any action under the authority of this Bylaw or from an emergency incident from the use or misuse of Fire, the County may charge these costs, penalties and/or fines to the Owner of the Property in respect of which the action was taken. The Owner shall have a period of thirty (30) days from the date of mailing of the notice to appeal the fees to Council. The decision of Council on any such appeal shall be final and binding upon the Owner of the Property.
44. In respect of any costs or fees levied or charged under this Bylaw:
 - (1) The County may recover such costs or fees as an amount due and owing to the County pursuant to Section 552 of the *Municipal Government Act* R.S.A. 2000, Chapter M-26; and
 - (2) In default of payment, where permitted by the *Municipal Government Act* R.S.A. 2000, Chapter M-26 Section 533(1)(c), and Section 533(1)(g), add the amounts due to the tax roll of the Property in question.

ENACTMENT/TRANSITION

45. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
46. Schedule “A” forms part of this bylaw.
47. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this _____ day of _____, 2016.

READ A SECOND TIME this _____ day of _____, 2016.

READ A THIRD TIME and finally passed this _____ day of _____, 2016.

Mayor

Chief Administrative Officer

SCHEDULE “A”

WHEREAS, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provisions of Section 7 of *the Municipal Government Act*, Council may by Bylaw provide for the payment of Violation Tickets or summons out of court.

A Violation Ticket may be issued by a Peace Officer to any Person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regards to the payment.		First Offence	Second Offence	Subsequent Offence
Section # 29, 30	Light a Fire without the necessary Fire Permit	\$250	\$500	\$1,000
Section # 31, 32	Light a Fire in contravention the requirements of a municipal and/or provincial Fire Restriction or Fire Ban.	\$1,000	\$2,000	\$5,000
Section # 33	Allowed a Fire to exceed the limitations, capabilities and/or safety precautions of the Owner and/or Attendant.	\$500	\$1,000	\$2,000
Section # 34	Failed to maintain control of and/or allows a Fire pass from the originating Property to another Property.	\$500	\$1,000	\$2,000
Section # 35, 36	Burned Prohibited Debris.	\$1,000	\$2,000	\$4,000
Section # 37	An outdoor wood-fired boiler appliance and/or an indoor or outdoor coal fired appliances does not meet the requirements of the Fire Permit bylaw.	\$500	\$1,000	\$2,000
Section # 38	Obstructed a Peace Officer and/or representative of the County in the performance of their duties and responsibilities to the Fire Permit Bylaw.	\$500	\$1,000	\$2,000
Section # 39	Failure to comply with conditions their Fire Permit.	\$250	\$500	\$1,000
Section # 40	Disclosed false information to obtain a Fire Permit.	\$500	\$1000	\$2,000