

**SUMMER VILLAGE OF PARKLAND BEACH
BYLAW 2010-01**

Bylaw 2010-01, being a Bylaw of the Summer Village of Parkland Beach in the Province of Alberta, amending Bylaw 3-1992, and is enacted to preserve the life and property and protect persons from injury or destruction by fire within the boundaries of the Summer Village of Parkland Beach, and to provide for fair and just compensation to be paid to the Summer Village of Parkland Beach.

Bylaw 2010-01 is also to provide regulations and control of burning of dead leaves, grass, tree branches, firewood or any other combustible material within the Summer Village of Parkland Beach.

WHEREAS, the *Municipal Government Act*, R.S.A. 2000, c. M-26 states that a municipal Council may by bylaw provide for the safety, health and welfare and the protection of people and property, including:

- (a) for the prevention or extinguishing of fires, the protection of life and property and the protection of person from injury or destruction by fire;
- (b) for the prevention of prairie or running fires and the enforcement of the provisions of the *Forest and Prairie Protection Act*, R.S.A. 2000, c. F-19 in that behalf;
- (c) with respect to the extinguishing fires or preserving life or property from injury or destruction by fire on land within the Municipality;
- (d) for the enforcement of burning regulations and controls within the Summer Village of Parkland Beach, to provide:
 - (i) for the charging of any cost incurred, or a minimum fee, to the owner or occupant of the land; and
 - (ii) for the recovery of that cost or fee as the Bylaw may provide, and to provide in default of payment for charging the cost or fee against the land as taxes due and owing in respect of the land.
- (e) for the control and enforcement of recreational fire pits (campfires).

AND WHEREAS, the *Forest and Prairie Protection Act*, R.S.A 2000, c. F-19, as amended, provides that the Council of the Municipality is responsible for fighting and controlling all fires within the boundaries of the municipality and that costs and expenses shall be paid by the municipality;

AND WHEREAS, the *Forest and Prairie Protection Act*, R.S.A 2000, c. F-19, as amended, provides that the Council of the Municipality may recover costs and expenses incurred in fulfilment of their responsibilities in fighting and controlling fires within the boundaries of the municipality,

AND WHEREAS, the Council of the Summer Village of Parkland Beach deems it desirable to ensure the protection of life and property and the fair and just compensation of costs and expenses in fighting and controlling fires;

NOW THEREFORE, the Council of the Summer Village of Parkland Beach, duly assembled, enacts as follows:

SECTION 1: SHORT TITLE AND APPLICATION

- 1.1 This Bylaw may be sited as “THE BURNING, FIRE PIT AND COST RECOVERY BYLAW”.

SECTION 2: DEFINITIONS

2.1 In this Bylaw:

- (a) “Approved Container” means a burning container constructed of concrete or brick, and
 - (i) is covered with a metal screen with holes measuring a maximum of 7mm and held in place, and
 - (ii) draft holes measuring a maximum of 5mm.
- (b) “Authority having jurisdiction or Authority” means:
 - (i) Peace Officer acting on behalf of the Village;
 - (ii) Fire Chief of the Town of Rimbey;
 - (iii) Director/Deputy Director of Emergency Services;
 - (iv) Chief Administrative Officer of the Village or his/her delegate;
 - (v) Elected Official;
 - (vi) Fire Marshall.
- (c) “Burning Off” means the igniting of dead grass, leaves or brush by any lot owner or person appointed by him or her for the purpose of land clearing.
- (d) “Cost Recovery” means any expenditure, costs or debt associated with the prevention, control or extinguishing of fires or the preservation of life or property from injury or destruction by fire which has been made or incurred, either directly or indirectly, by the village.
- (e) “Council” means the Council of the Summer Village of Parkland Beach.
- (f) “Director/Deputy Director” means the Village appointed Director/Deputy Director of Emergency Services.
- (g) “Elected Official” means the Mayor, Deputy Mayor or Councillor of the Village.
- (h) “Equipment” means tools, contrivances, devices or materials used at an incident by any designated person to prevent, control or eliminate a fire hazard.

- (i) “Fire pit (campfire)” includes a permanently affixed outdoor fire receptacle and a portable fire receptacle.
- (j) “Incident” means a fire, situation where there is a threat of fire and/or explosion, situation which presents a danger to persons or property, or any other situation to which the Fire Rescue Service has or is responding.
- (k) “Nuisance” means causing smoke which unreasonably affects the comfort or convenience of an individual and includes interference with use and enjoyment of property.
- (l) “Open burning” means a fire or smouldering pile of combustible material which is not contained completely within an approved container, but shall not include charcoal, gas, or electric barbecues and smokers.
- (m) “Outdoor Fireplace” means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue and is constructed of brick, rock, or other masonry material.
- (n) “Peace Officer” means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or a Special Constable appointed pursuant to the provisions of the *Police Act*, R.S.A. 2000, c. P-17.
- (o) “Recreational Fire” means a confined fire for the purpose of cooking, obtaining warmth or viewing for pleasure.
- (p) “Waste” includes:
 - (i) any rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure or animal excrement, sewage or the whole or part of an animal carcass;
 - (ii) the whole or a part of any article, raw or processed material, vehicle or other machinery that is disposed of;
 - (iii) animal or vegetable matter, including materials resulting from the handling, preparation, cooking, consumption and storage of food;
 - (iv) building waste;
 - (v) garden waste;
 - (vi) any thing that is designated as waste in the regulations under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12.
 - (vii) “Village” means the Summer Village of Parkland Beach.

SECTION 3: BURNING OF WASTE

- 3.1 No open burning is permitted in the Village. Any grass, leaves, tree branches or other garden waste may be burned in an approved concrete or brick container having a base of similar non-combustible material. A heavy duty metal container is permissible providing

it has a base of either concrete or brick and has an open flame area not exceeding one (1) metre at its widest point and the following:

- (a) the container has a spark arrestor mesh screen of 1.3cm (.5”) expanded metal (or equivalent) to contain sparks over the fire at all times;
- (b) a minimum of at least three (3) metres clearance shall be maintained from buildings, property lines, trees, overhead power lines, combustible fences or any combustible material;
- (c) burning does not create a nuisance, which is offensive to any other person or property;
- (d) burning is supervised by an adult at all times.

3.2 It is not permissible at any time to burn the following materials:

- (a) preservative treated or painted wood;
- (b) used construction materials (other than untreated clean wood);
- (c) rubber or plastic or anything coated with rubber or plastic;
- (d) lumber products containing glues or resins;
- (e) wet or unseasoned wood;
- (f) any animal carcass or part thereof;
- (g) household garbage.

3.3 “Burning off” is not permitted within the boundaries of the Village. Brush, grass, weeds, tree branches and other clearance debris must be taken to the garbage dump or burned in the approved container.

3.4 All used BBQ coals and lava rock must be deposited in the approved burning container.

SECTION 4: RECREATIONAL FIREPITS, OUTDOOR FIREPLACES, PORTABLE FIRE RECEPTACLES AND BBQ PITS

4.1 Fire pits and BBQ pits and portable fire receptacles must meet the following requirements:

- (a) a minimum of at least three (3) metres clearance shall be maintained from buildings, property lines, trees, overhead power lines, combustible fences or any combustible material;
- (b) shall not be located over natural gas lines or under overhead utility lines;
- (c) Installations must have enclosed sides made from bricks, concrete blocks, or heavy gauge metal, or other suitable non-combustible material;

- (d) has an open flame area not exceeding one (1) metre at its widest point;
- (e) does not have walls which exceed 0.6 metres in height measured from the floor of the fire pit to the top of the wall;
- (f) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
- (g) a spark arrester or mesh screen with openings no larger than 1.25 cm expanded metal (or equivalent) non-combustible material) to contain sparks shall be provided over the fire at all times;
- (h) burn only charcoal briquettes, or wood products that are not contaminated with glue, paint, stain or other preservatives, see also section 3.2 above;
- (i) have a flame no higher than one (1) metre above the top of the surrounding grade of the fire pit.

4.2 Outdoor fireplaces must meet the following requirements:

- (a) a minimum of three (3) metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines or other combustible material;
- (b) the fireplace is constructed of materials such as bricks or rocks, that are heat and flame resistant;
- (c) 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;
- (d) has an open flame area not exceeding one (1) metre at its widest point;
- (e) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- (f) the base of the fire burning area is not less than 0.3 metres above the surrounding grade;
- (g) the fire chamber does not exceed 1.25 metres in width and it at least 0.4 metres but not more than 0.6 metres in depth;
- (h) commercial free standing outdoor fireplaces and portable fire receptacles that are enclosed in mesh must still meet sections 4.1(a), 4.1(b), and 4.1(f).

4.3 Any person may burn clean, dry, untreated wood or charcoal in a fire pit, outdoor fireplace, portable fire receptacle and BBQ pit complying with Sections 4.4(c) or 4.4(d) for the purpose of cooking, viewing for pleasure or obtaining warmth on property owned or occupied by such person.

4.4 Any person who burns any material in a fire pit, outdoor fireplace, portable fire receptacle or BBQ shall:

- (a) remain in charge of or keep a competent person in charge of the fire at all times;

- (b) not permit the flames to exceed one (1) metre in height;
 - (c) ensure that the fire does not:
 - (i) create a risk of fire or damage to persons or property;
 - (ii) create a nuisance, which is offensive to any other person or property.
 - (d) have a means of extinguishing the fire on hand at all times while the fire is burning;
 - (e) ensure the fire is extinguished leaving only cold ashes before supervision of the fire ends.
- 4.5 All fire pits, outdoor fireplaces, portable fire receptacles and BBQs in existence prior to the coming into effect of this Bylaw must conform to Sections 4.1, 4.2, 4.3, and 4.4 hereof.

SECTION 5: FIRE BANS

- 5.1 Notwithstanding any provision in this or any other Bylaw, the Authority having jurisdiction or Authority may declare a complete ban of any burning of any kind in the Village.
- 5.2 When determining whether to declare a complete ban on burning, the Authority having jurisdiction or Authority may take into consideration any or all of the following factors:
- (a) the air quality index;
 - (b) levels of recent precipitation;
 - (c) availability of Fire Fighters and firefighting equipment;
 - (d) the overall fire danger.
- 5.3 No person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Authority having jurisdiction or Authority and is in effect.
- 5.4 The Authority having jurisdiction or Authority may direct a person to extinguish any fire when a fire ban is in place.
- 5.5 A person who fails to comply with the direction of the Authority having jurisdiction or Authority to extinguish a fire during a fire ban is guilty of an offence under this Bylaw and the Authority having jurisdiction or Authority may extinguish the fire.

SECTION 6: COST RECOVERY

- 6.1 Where Rimbeby Emergency Response has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call, false alarm or incident for the purpose of preserving life or property from injury or destruction by fire or other incident on land, the Fire Chief may, in respect of any costs incurred in taking such action, charge any cost so incurred to the Summer Village of Parkland Beach.

- 6.2 The costs to be charged by Rimbey Emergency Response for services rendered will be based on their most current schedule of fire service fees. Fees may also include the cost of replacement of equipment and/or materials used, lost or damaged as a result of the response.
- 6.3 In respect of any costs or fees levied or charged under this Bylaw:
- (a) the Village may recover such costs or fees as a debt due and owing to the Village; and
 - (b) in default of payment, where permitted by the *Municipal Government Act*, add the amounts to the tax roll of a parcel of land.

SECTION 7: OFFENCES AND PENALTIES

- 7.1 A person who is guilty of an offence under this Bylaw is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- 7.2 Without restricting the generality of this section, the following fine amounts are established for use on municipal tags and violation tickets:
- (a) \$250.00 for any offence;
 - (b) double the fine amounts in section 7.2(a) for any subsequent offence.
- 7.3 The Chief Administrative Officer of the Village or his/her delegate is hereby authorized and empowered to issue municipal tags and violation tickets to any person who the Chief Administrative Officer of the Village or his/her delegate has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 7.4 A municipal tag and violation ticket may be issued to such person:
- (a) either personally; or
 - (b) by mailing a copy to such person at his/her last known post office address.
- 7.5 The municipal tag and violation ticket shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in this Bylaw;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the municipal tag and violation ticket to avoid possible prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.

- 7.6 Where a municipal tag and violation ticket are issued pursuant to this Bylaw, the person to whom the municipal tag and violation ticket are issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the municipal tag and violation ticket.
- 7.7 Nothing in this Bylaw shall prevent the Chief Administrative Officer of the Village or his/her delegate from immediately issuing a municipal tag and violation ticket.
- 7.8 The Chief Administrative Officer of the Village or his/her delegate may enforce the provisions of this Bylaw, and where the Chief Administrative Officer of the Village or his/her delegate has reasonable grounds to believe that a provision of this Bylaw has been contravened, the Chief Administrative Officer of the Village or his/her delegate is authorized and empowered to immediately issue a violation tag pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-34, as amended, to any person who the Chief Administrative Officer of the Village or his/her delegate has reasonable ground to believe is responsible for the contravention.

SECTION 8: REPEAL & SEVERABILITY

- 8.1 The Village Bylaw 3-1992 and its amendments are hereby repealed.
- 8.2 It is the intention of the Village Council that each separate provision of this Bylaw shall be deemed independent of all provisions, and it is further the intention of Village Council that if any provision of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

Read a First time in Council assembled this 19th day of February, 2010.

Read a Second time in Council assembled this 19th day of February, 2010.

Read a Third time in Council assembled and passed this 19th day of February, 2010.

Mayor Larry Scheible

Chief Administrative Officer, Marilee Yakunin

SUMMER VILLAGE OF PARKLAND BEACH

BYLAW NO. 2010-06

AMENDMENT TO THE BURNING, FIREPIT AND COST RECOVERY BYLAW 2010-01

THE MUNICIPAL COUNCIL OF THE SUMMER VILLAGE OF PARKLAND BEACH, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, permit a Council by bylaw to amend the Burning, Firepit and Cost Recovery Bylaw 2010-01, and

WHEREAS the Council of the Summer Village of Parkland Beach deems it necessary and expedient to amend the Burning, Firepit and Cost Recovery Bylaw 2010-01;

NOW THEREFORE the Council of the Summer Village of Parkland Beach, duly assembled, enacts as follows:

1. RECREATIONAL FIREPITS, OUTDOOR FIREPLACES, PORTABLE FIRE RECEPTACLES AND BBQ PITS IN CAMPGROUNDS as follows:

9.1 Fire pits and BBQ pits and portable fire receptacles in campgrounds must meet the following requirements:

- (a) a minimum of at least one point eight (1.8) metres clearance shall be maintained from buildings, property lines, trees, overhead power lines, combustible fences or any combustible material;
- (b) shall not be located over natural gas lines or under overhead utility lines;
- (c) Installations must have enclosed sides made from bricks, concrete blocks, or heavy gauge metal, or other suitable non-combustible material;
- (d) has an open flame area not exceeding one (1) metre at its widest point;
- (e) does not have walls which exceed 0.6 metres in height measured from the floor of the fire pit to the top of the wall;
- (f) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
- (g) a spark arrester or mesh screen with openings no larger than 1.25 cm expanded metal (or equivalent) non-combustible material) to contain sparks shall be provided over the fire at all times;
- (h) burn only charcoal briquettes, or wood products that are not contaminated with glue, paint, stain or other preservatives;
- (i) have a flame no higher than point seven five (.75) metre above the top of the surrounding grade of the fire pit.

9.2 Outdoor fireplaces in campgrounds must meet the following requirements:

- (j) a minimum of one point eight (1.8) metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines or other combustible material;
- (k) the fireplace is constructed of materials such as bricks or rocks, that are heat and flame resistant;
- (l) 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;
- (m) has an open flame area not exceeding one (1) metre at its widest point;
- (n) the fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- (o) the base of the fire burning area is not less than 0.3 metres above the surrounding grade;
- (p) the fire chamber does not exceed 1.25 metres in width and it at least 0.4 metres but not more than 0.6 metres in depth;
- (q) commercial free standing outdoor fireplaces and portable fire receptacles that are enclosed in mesh must still meet sections 4.1(a), 4.1(b), and 4.1(f).

9.3 Any person may burn clean, dry, untreated wood or charcoal in a fire pit, outdoor fireplace, portable fire receptacle and BBQ pit complying with Sections 4.4(c) or 4.4(d) for the purpose of cooking, viewing for pleasure or obtaining warmth on property owned or occupied by such person.

9.4. Any person who burns any material in a fire pit, outdoor fireplace, portable fire receptacle or BBQ shall:

- (r) remain in charge of or keep a competent person in charge of the fire at all times;
- (s) not permit the flames to exceed point seven five (.75) metre in height;
- (t) ensure that the fire does not:
 - (i) create a risk of fire or damage to persons or property;
 - (ii) create a nuisance, which is offensive to any other person or property.
- (u) have a means of extinguishing the fire on hand at all times while the fire is burning;
- (v) ensure the fire is extinguished leaving only cold ashes before supervision of the fire ends.

9.5 All fire pits, outdoor fireplaces, portable fire receptacles and BBQs in campgrounds in existence prior to the coming into effect of this Bylaw must conform to Sections 9.1, 9.2, 9.3, and 9.4 hereof.

2. Citation: This Bylaw may be cited as "Burning, Fire Pit and Cost Recovery Amendment Bylaw No. 2010-06"

Read a first time on the 18th day of June, 2010

Read a second time on the 18th day of June, 2010

Read a third and final time on the 17th day of July, 2010