

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW 03-13

BEING A BYLAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA TO REGULATE OPEN BURNING WITHIN THE LIMITS OF THE VILLAGE OF BARNWELL

WHEREAS the *Municipal Government Act* enables a Council to pass bylaws for the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

AND WHEREAS it is desirable to create regulations providing for control and safety around open burning sites and events to which the public have access, or where burning is allowed for recreational purposes on private land;

NOW THEREFORE, the Council of the Village of Barnwell in the Province of Alberta, duly assembled, enacts as follows:

A INTERPRETATION & DEFINITIONS

- 1) This Bylaw may be cited as the **Open Burning Bylaw** of the Village of Barnwell.
- 2) In this Bylaw:
 - a) “Administrator” means the person appointed by Council to be the Administrator of the Village of Barnwell
 - b) “Council” means the Council of the Village of Barnwell
 - c) “Equipment” means any tools, contrivances, devices or materials used by the Fire Department in the normal course of their duties.
 - d) “Fire Chief” means the member appointed as head of the Taber Fire Department.
 - e) “Fire Department” means the Taber Fire Department.
 - f) “Officer of the Fire Department” means a member of the Town of Taber Fire Department delegated with control of fire operations.
 - g) “Safety Codes Officer” means an individual designated as a Safety Codes Officer pursuant to the Safety Codes Act.
 - h) All definitions contained in the Safety Codes Act shall have a similar meaning when used in this Bylaw.
 - i) “Fire Pit” includes a permanently affixed outdoor receptacle and a Portable Fire Receptacle

- j) “Fire Place” 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.
- k) “Fireworks” means any article defined as a firework or firecracker pursuant to the *Canada Explosives Act* as amended repealed or replaced from time to time or regulations thereto, as well as the *Alberta Fire Code*, as amended repealed or replaced from time to time.
- l) “Peace Officer” means a member of the RCMP or Bylaw Enforcement Officer as appointed by Council
- m) “Portable Fire Receptacle” means an outdoor fire receptacle which is not permanently affixed.

B GENERAL REQUIREMENTS

- 1) Except for a fire which is allowed by the Open Burning Bylaw, no person shall burn, or allow to be burned, a fire on a premises that does not comply with the requirements of the Bylaw.
- 2) No person shall ignite or allow open burning of any Fire if wind conditions exceed 30 km per hour.
- 3) No person shall burn, at any time, on any premises, the following materials:
 - a) Treated or painted lumber;
 - b) Lumber products containing glue or resin;
 - c) Wet or unseasoned wood;
 - d) Leaves, grass, brush or yard waste;
 - e) Garbage;
 - f) Rubber, tires or plastic;
 - g) Any animal carcass or part thereof
- 4) No person shall ignite or allow a fire to burn on premises between 12 o’clock midnight and eight o’clock the following morning.
- 5) Every person who builds, ignites or allows a fire on a premises must ensure that the fire is not left unsupervised at any time.
- 6) Every person who builds, ignites or allows a fire on a premises must ensure that the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.
- 7) Except with the express, written authorization from the Fire Chief or his designate, no person shall use Fireworks or permit the use of Fireworks on his or her property or property under his or her control, within the boundaries of the Village.
- 8) Burning Barrels and/or Incinerators shall be strictly prohibited within the Village of Barnwell.

C FIRE PIT/FIRE PLACE AND PORTABLE FIRE RECEPTACLE SECTION

1) FIRES IN OUTDOOR FIREPLACES

- a) A person may build, ignite or allow a fire on a premise in an outdoor fire place.
- b) A spark arrestor is required at the top of the flue of an outdoor fireplace.
- c) An outdoor fireplace must have a noncombustible hearth which meets the hearth requirements for Fireplaces in Part 9 of the most current edition of the Alberta Building Code.
- d) Outdoor fireplaces may not be placed within 3 m of a structure.

2) FIRES IN FIREPITS

- a) A person may build, ignite, or allow a fire on a premises in a Fire Pit as long as that person ensures that the fire is contained in a Fire Pit that:
 1. is constructed of non-combustible material;
 2. has an open flame area that does not exceed 1 meter at its widest point;
 3. a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 4. the flames from the fire do not exceed 1 meter in height at any time;
 5. does not have walls which exceed 0.75 meters in height measured from the ground level to the top of the wall of the Fire Pit excluding any chimney;
 6. is set upon or built into the bare ground or a non-combustible material such as brick or stone;
 7. is situated at least 2 meters from any house, garage or similar structure including wooden decks, porches and similar amenity space attached to a structure measured from the part of the Fire Pit which is closest to the structure or amenity space;
 8. is situated at least 2 meters from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material;
 9. is not located directly under any tree, overhanging branches, wires, or cables; and
 10. has a metal spark arrestor mesh grate with no openings greater than 13 mm available to cover the fire pit opening.

3) PORTABLE FIRE RECEPTACLES

- a) A person may build, ignite or allow a fire in a Portable Fire Receptacle on a wooden deck as long as that person ensures that:

1. A non-combustible material such as brick or stone is placed between the Portable Fire Receptacle and the wooden deck allowing for an overlap of eighteen (18) inches around the receptacle; and
2. The Portable Fire Receptacle is situated at least 2 meters from any house, garage, similar structure or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
3. A fine mesh grate is used while the Portable Fire Receptacle is in use for the opening to the fire chamber and the flue if there is one.

E POWERS

- 1) If, in the opinion of the Fire Chief or Officer of the Fire Department or Peace Officer, a fire poses a danger or does not comply with the requirements of this Bylaw, the Fire Chief or Officer of the Fire Department or Peace Officer may extinguish the fire and take any other steps that the Officer of the Fire Department deems necessary to ensure that the fire and site of the fire no longer pose a danger.
- 2) If the Fire Department is called out to a fire in which no permit has been issued, the Fire Chief or his designate may bill the owner of the property in which the fire was started, an amount equal to the Fire Departments current prescribed rate for such callouts.

F FIRE BANS

- 1) Notwithstanding any provision in this or any other bylaw, the Fire Chief or Council may declare a Level 1 Fire Ban on burning within the Village.
- 2) When determining whether to declare a ban on burning, the any or all of the following factors may be taken into consideration:
 - b) air quality index;
 - c) levels of recent precipitation;
 - d) water shortages or restrictions;
 - e) availability of fire fighters and fire fighting equipment; and
 - f) overall fire danger.
- 4) A Level 1 ban on burning prohibits outside burning of any kind within the Village.
- 5) No person shall build, ignite or allow any kind of fire when a Level 1 ban on burning has been declared by the Fire Chief and is in effect.
- 6) An Officer of the Fire Department or Peace Officer may direct a person to extinguish any fire when a fire ban is in place.

- 7) A person who fails to comply with the direction of an Officer of the Fire Department or Peach Officer to extinguish a fire during a fire ban commits an offence and the Officer of the Fire Department or Peach Officer may extinguish or cause the fire to be extinguished.

G GENERAL PENALTY PROVISION

- 1) Any person who contravenes any provision of this Bylaw by:
 - a) doing any act or thing which the person is prohibited from doing; or
 - b) failing to do any act or thing the person is required to do,
 is guilty of an offence and is liable to a penalty as set out in Schedule “A” of this bylaw.
- 2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding TEN THOUSAND (\$10,000.00) DOLLARS and in default of payment of any fine imposed, to a period of imprisonment not exceeding SIX (6) MONTHS.
- 3) Any Peace Officer may enforce the provisions of this bylaw and, where that Peace Officer has reasonable grounds to believe that a person has committed a breach of any of the provisions of this bylaw, he may issue and serve upon such person a Violation Ticket.

H BYLAW REPEALED

- 1) Bylaw No. 1-00 is hereby repealed.
- 2) This Bylaw will come into full force and effect on the date of final passing thereof.

READ a **first** time this _____ day of _____, 2013.

Mayor – Del Bodnarek

Chief Administrative Officer – Wendy Bateman

READ a **second** time this _____ day of _____, 2013, as amended

Mayor – Del Bodnarek

Chief Administrative Officer – Wendy Bateman

READ a **third** time and finally PASSED this _____ day of _____, 2013.

Mayor – Del Bodnarek

Chief Administrative Officer – Wendy Bateman

Schedule "A"

SPECIFIED PENALTIES

OFFENCE:	PENALTY
Contravention of any provision of the Bylaw:	
First Offence	\$100.00
Second Offence within one year	\$250.00
Third offence within one year	\$500.00
Fourth or subsequent offence within one year	\$1,000.00