

REGULATING BURNING & FIREWORKS BYLAW

A BYLAW OF THE TOWN OF ECKVILLE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING BURNING & FIREWORKS

WHEREAS the Municipal Government Act, R.S.A., 2000, Chapter M-26 as amended by the Province of Alberta provides that a Municipal Council may by Bylaw provide for safety, health and welfare of people and the protection of people and property;

AND WHEREAS Council of the Town of Eckville deems it expedient and in the public's interest to pass a bylaw to regulate and enforce burning and fireworks within the Town of Eckville;

NOW THEREFORE, the Council of the Town of Eckville, in the Province of Alberta, duly assembled, hereby enacts as follows:

SHORT TITLE

1. This Bylaw shall be cited as the "Burning & Fireworks Bylaw".

DEFINITIONS

2. In this Bylaw, including this section, unless the context otherwise requires:
 - a. "Act" means the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 as amended, and any amendment or substitutions thereof.
 - b. "Council" means the Municipal Council of the Town of Eckville.
 - c. "Director of Emergency Management" means the person appointed by the Town to that position and includes any person appointed by the Director of Emergency Management to act as such Director's delegate for the purposes of this Bylaw.
 - d. "Fire Chief" means the person elected by the members of the Eckville Fire Department to the position and title and includes any person appointed by the Fire Chief to act as such Chief's delegate for the purposes of this Bylaw.
 - e. "Fire Department" means the Eckville Fire Department.
 - f. "Municipal Ticket" means a form prescribed by the Chief Administrative Officer of the Town or his/her delegate allowing for voluntary payment to the Town of a fine amount established by this Bylaw.
 - g. "Open Fire" means any fire that is not contained within a fire pit or stationary barbecue.
 - h. "Peace Officer" means any Enforcement Officer or RCMP Police Officer or any other person appointed by the Town to enforce the provisions of this Bylaw.

FIRE PITS

3. Fire pits are required to follow the following standards:
 - a. Be located in the rear yard with a minimum of 3.4 meters (10 feet) clearance from buildings, property lines and combustible materials measured from the nearest fire pit edge or as recommended by the Fire Chief or Director of Emergency Management or their designates;
 - b. Be constructed of bricks, concrete blocks, heavy gauge metal or other non-combustible components;
 - c. Be the sole responsibility of the owner or occupier of the property;
 - d. Burn only charcoal briquettes, propane, natural gas or wood products that are not contaminated with glue, paint, stain or other preservatives;
 - e. Have flames no higher than ninety (90) cm (approximately 3.5 ft) above the top of the surrounding grade of the fire pit;
 - f. Have a maximum diameter of 1.2 meters (4 feet).

4. Any person who starts a propane, natural gas or charcoal barbecue or starts a fire in a fire pit that complies with Section 3 herein, shall:
 - a. Remain in charge, or keep a competent person in charge, of the barbecue or fire.
5. Any person in charge of a barbecue or fire pit shall ensure that the same:
 - a. Does not create a risk or hazard to persons or to other properties;
 - b. Does not create a nuisance, which is offensive to any other person;
 - c. Is completely extinguished before supervision of the barbecue or fire ends.
6. Any person who starts a fire, or who is in charge of a fire, on property owned or occupied by that person, shall upon demand, pay to the Town any and all costs incurred by the Town to extinguish such fire when, in the opinion of a Peace Officer, Director of Emergency Management or the Fire Chief, the fire is a hazard to persons or to other properties.

OPEN AIR FIRES

7. With the exception of propane, natural gas or charcoal barbecues, fire pits that comply with Section 3 herein, burning in provincial or municipal owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the Town and fires controlled by the Waste Transfer Station, accredited Training & Safety Companies and the Fire Department (for training purposes), no person shall have an open fire within the corporate limits of the Town of Eckville.

FIRE BANS

8. The Fire Chief or his designates may enact a Fire Ban within the Town at their discretion.
9. No person shall start a fire at any place within the corporate limits of the Town at any time while a Fire Ban is in place.

FIREWORKS

10. No person or business shall purchase, possess, handle, or discharge fireworks, firecrackers, fire balls, or squibs while within the Town of Eckville without the express written permission of the Fire Chief or his designates.
11. No person or business shall sell, store or display any fireworks; firecrackers; fire balls; or squibs while within the Town corporate limits without the express written permission from the Fire Chief or his designates.
 - a. This restriction does not apply to;
 - i. Any Peace Officer in the discharge of his/her duties
 - ii. A person who is in receipt of a Special Permit issued by the Fire Chief
 - iii. Qualified professional pyrotechnicians (as accredited by Natural Resources Canada in accordance and pursuant to the Alberta Fire Code) setting off a fireworks display sanctioned by Council (e.g. Canada Day Celebrations, Christmas Tree lighting).

COST RECOVERY

12. Where the Fire Department 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 or his designate may, in respect of any costs incurred in taking such action charge any cost so incurred to the person who caused the fire, or to the owner or occupier of the land in respect of which the action was taken pursuant to this Bylaw.

13. The costs to be charged by the Fire Department for services rendered pursuant to this Bylaw are attached to and form part of this Bylaw as Schedule "A";
14. In respect of any costs or fees levied or charged under this Bylaw:
 - a. The Town may recover such costs or fees as a debt due and owing to the Town; 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.

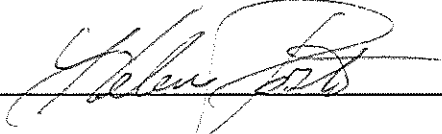
PENALTIES

15. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to the penalties set out in Schedule "B" which is attached to and forms part of this Bylaw.
16. If a person is issued a Municipal Ticket in respect of an offence, they may pay the fine amount established by this Bylaw for the offence at the Eckville Town Office located at 5023 – 51 Avenue, Eckville, AB T0M 0X0 and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
17. A Peace Officer, Director of Disaster Services or the Fire Chief is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Peace Officer, Director of Emergency Management or the Fire Chief has reasonable grounds to believe has contravened any provision of this Bylaw.

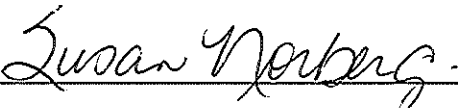
Read a first time this 22 day of October, 2012

Read a second time this 13 day of November, 2012

Read a third time this 13 day of November, 2012



Mayor



Administrator

SCHEDULE A
COST RECOVERY

The Fire Department may charge:

1. Up to \$500.00 per hour per unit dispatched; and,
2. The cost of replacement of equipment and/or materials used, lost or damaged as a result of the response; and,
3. Any associated labour costs.

4. **SCHEDULE B**

PENALTIES

SECTION	OFFENCE DESCRIPTION	PENALTIES
4	Non-supervision of fire 1 st offence 2 nd and subsequent offence	\$100.00 + recovery costs \$250.00 + recovery costs as per Schedule A
5	Creating a risk, nuisance Or not extinguishing fire 1 st offence 2 nd and subsequent offence	\$100.00 \$250.00 + recovery costs as per Schedule A
7	Open air fire 1 st offence 2 nd and subsequent offence	\$100.00 \$250.00 + recovery costs as per Schedule A
9	Fire during a Fire Ban 1 st offence 2 nd and subsequent offence	\$200.00 \$350.00 + recovery costs as per schedule A
10	Purchase, possess, handle, discharge, Fire or set off fireworks 1 st offence 2 nd & subsequent offences	\$100.00 \$250.00