

**BYLAW 2012-781
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA**

Being a bylaw of the Village of Carbon in the Province of Alberta, to reduce the risk of fire due to various recreational and open burning practices. This bylaw is not intended to include commercially available propane, natural gas and charcoal barbeques meeting CSA standards.

WHEREAS, the Municipal Government Act, RSA 2000 cM-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, the Council of the Village of Carbon deems it proper and expedient to pass a Bylaw regulating open burning within the Village of Carbon.

NOW THEREFORE the Council of the Village of Carbon, duly assembled, enacts as follows:

SECTION 1 – NAME OF BYLAW

1.1 This Bylaw may be cited as the "Burning Bylaw".

SECTION 2 – DEFINITIONS

2.1 **Acceptable Fire Pit** – an outdoor receptacle that meets the following specification:

- (a) A minimum of 3 meter clearance, measured from the nearest of the fire pit edge, is maintained from buildings, property lines or other combustible material.
- (b) The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or another non-combustible material.
- (c) A spark arrestor mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.

2.2 **Burnable Debris** – those materials permitted to be burned in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:

- (a) straw and stubble;
- (b) grass and weeds;
- (c) leaves and tree prunings;
- (d) brush and fallen trees;
- (e) used power poles or wooden materials that do not contain preservatives;

2.3 **Council** – the Council of the Village of Carbon

2.4 **Open Air Fire** – any fire which is not an incinerator fire, pit fire, public site fire, recreational fire, and which, without limiting the generality of the foregoing, shall include grass fires, bush fires, running fires, structure fires, and building fires.

2.5 **Prohibited Debris** – any material that when burned, will result in the release to the atmosphere of dense smoke or toxic air contaminants in accordance with statutes and bylaws written to protect and enhance the environment, and shall include but are not limited to materials described as:

- (a) animal manure;
- (b) non-wooden material;
- (c) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;
- (d) combustible material in automobile bodies;
- (e) tires;
- (f) rubber or plastic, or anything coated/containing rubber or plastic.
- (g) used oil;

2.6 **Public Park Site Fire** – a fire on land owned/leased by the Village of Carbon for recreational purposes and is confined to either a non-combustible container supplied by the Village, or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure. Such fire may only be fuelled with seasoned wood, charcoal, natural gas or propane.

2.7 **Recreational Fire** – a confined fire for the purpose of cooking, obtaining warmth or viewing for pleasure. A recreational fire may only be fuelled with seasoned wood, charcoal, propane or natural gas.

2.8 **Running Fire** – a fire burning without being under the proper control of any person.

SECTION 3 – PROHIBITIONS

3.1 Except as provided in this Bylaw, no person shall conduct any outdoor burning unless:

- (a) the burning is supervised at all times by responsible adult person (at least 18 years of age) until such time that the fire has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire;
- (b) the burning is conducted in a safe manner;
- (c) only those items defined under burnable debris are burnt;

3.2 No person shall burn anything within a distance of 2 meters from any combustible structure, and do so using a device as allowed within this Bylaw.

3.3 No person shall conduct or cause to be conducted any burning in a park or on any other property owned or operated by the Village of Carbon, unless such burning occurs in a container provided by the Village of Carbon for that purpose or in a portable appliance.

3.5 No person shall conduct any burning or light an outdoor fire when weather conditions are conducive to a fire readily escaping out of control.

3.6 Every person lighting, igniting or causing a fire to be lit or ignited shall take reasonable steps to prevent it from spreading onto land other than his own.

3.8 No person shall conduct any burning or light an outdoor fire unless confined within a fire pit or enclosure no more than 3ft. (1.75m) in diameter.

3.9 Flame height does not exceed 90 cm (3.28) feet above the barbecue/fire pit.

SECTION 4 – FIRE BAN ORDERS

- 4.1 The Carbon Fire Chief, upon consultation with the Carbon Village Council, may issue FIRE BAN ORDERS and when issued, every person shall:
 - (a) Within the Municipal boundaries affected by the order of a FIRE BAN immediately proceed to extinguish every outdoor fire and recreational fire lit by him or under his authority and every fire located on land occupied or owned by him.
 - (b) No Person shall light an outdoor fire, a structure fire, an incinerator fire, smudge fire, barbecue/fire pit, or portable appliance not fuelled by propane or natural gas, during a municipal fire ban.

SECTION 5 – FIRE DEPARTMENT

- 5.1 It shall not be an offence under this Bylaw for the Fire Department to conduct any burning for the purpose of fire prevention or training excepting when a FIRE BAN is in effect.

SECTION 6 – RECOVERY COSTS

- 6.1 Recovery of fire fighting costs:
 - (a) Where the Carbon Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call of incident in Village of Carbon for the purpose of preserving life or property from injury or destruction by fire or other incident on land within the Village of Carbon, including any action taken by the Department on a false alarm, the Chief Administrative Officer or his/her designate may in respect of any costs incurred by the County in taking such action, if the Chief Administrative Officer or his/her designate feels that proper grounds for doing so exist, charge any costs so incurred against the land upon which the fire was extinguished as taxes due and owing in respect of that land.

SECTION 7 – FIRE HAZARDS

- 7.1 If Council finds within its Municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner prescribed by the Council.
- 7.2 When Council finds that the order it made pursuant to Section 7.1 has not been carried out, it may enter on the land with any equipment and any person it considers necessary and perform any work required to eliminate or reduce the fire hazard.

SECTION 8 – VIOLATIONS AND PENALTIES

- 8.1 An Officer (Designated by Village of Carbon Council) is hereby authorized and empowered to issue a Violation Ticket to any person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 8.2 A 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 mailing address.
- 8.3 The Violation Ticket shall be in a form approved by Village of Carbon or the responsible Administrator and shall state the name of the person, the offence, the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw, any other information deemed important by the Officer, including a due date for the penalty to be paid to the Municipal Authority. Further legal action will be pursued should the ticket remain unpaid after this due date.

SECTION 9 – SEVERABILITY

- 9.1 Should any provision of this By-law be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

SECTION 10 – RESINDS

10.1 This Bylaw rescinds Bylaw No. 99-710

That this bylaw shall take effect on the date of the third and final reading.

Read a first time on this 10 day of December 2012.

Read a second time on this 10 day of December, 2012.

Motion to proceed to third reading. CARRIED UNANIMOUSLY

Read a third and final time and passed on this 10 day of December, 2012.

Village of Carbon


Mayor


Municipal Administrator

Schedule 'A'

Village of Carbon Bylaw

Offence Penalties

| Offence Description | Penalties |
|---|-----------|
| Non-supervision of fire | |
| 1 st Offence | \$100.00 |
| 2 nd and Subsequent Offence | \$250.00 |
| Creating a risk, nuisance or not extinguishing fire | |
| 1 st Offence | \$100.00 |
| 2 nd and Subsequent Offence | \$250.00 |
| Open air fire | |
| 1 st Offence | \$100.00 |
| 2 nd and Subsequent Offence | \$250.00 |
| Fire during a Fire Ban | |
| 1 st Offence | \$200.00 |
| 2 nd and Subsequent Offence | \$500.00 |

*All offence penalties may be charged a Cost Recovery charge by the Carbon Fire Department through the Municipality as per the following:

1. \$250.00 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.