

By-Law #1612

WHEREAS the *Municipal Government Act* enables a Council to pass bylaws for the 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 burning is allowed for recreational purposes on private land;

NOW THEREFORE THE COUNCIL OF THE TOWN OF CARDSTON ENACTS AS FOLLOWS:

This Bylaw may be cited as the *Open Burning Bylaw* of the Town of Cardston.

1. INTERPRETATION & DEFINITIONS

- a. All definitions contained in the *Safety Codes Act* shall have a similar meaning when used in this Bylaw.
- b. "Chief Administration Officer" means the person appointed by Council as the Chief Administration Officer
- c. "Contained" means within a fire pit or burning receptacle;
- d. "Council" means the Council of the Town of Cardston;
- e. "Equipment" means any tools, contrivances, devices or materials used by the Fire Department in the normal course of their duties.
- f. "Fire Chief" means the member appointed as head of the Fire Department.
- g. "Fire Department" means the Cardston County Fire & Emergency Services Department.
- h. "Fire for Commercial Purposes" includes a fire for training purposes and/or a fire associated with a special event or production.
- i. "Fire Pit" includes a permanently affixed outdoor fire receptacle and/or a Portable Fire Receptacle.
- j. "Fire Place" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue which is constructed of brick, rock or other masonry.
- k. "Fire Works" means and includes firecrackers, squibs, fireballs and all fireworks described and governed by Part 5, Section 5.8 of the Alberta Fire Code.
- l. "Open Fire" means any fire that is not contained within a fire pit, fire place or portable fire receptacle.
- m. "Portable Fire Receptacle" means an outdoor fire receptacle which is not permanently affixed.
- n. "Safety Codes Officer" means an individual designated as a Safety Codes Officer pursuant to the *Safety Codes Act*.

2. POWERS OF THE FIRE DEPARTMENT AND BY-LAW OFFICER

- a. Any member of the Cardston Fire Department or the By-Law Officer may:
 - i. issue permits
 - ii. amend or revoke a burning permit at any time
 - iii. require a site inspection before issuing a burning permit
 - iv. collect a fee for any inspection relating to a permit
 - v. advise fire dispatch of all permits issued

- b. The Fire Department or By-Law Officer may attach terms and conditions to the use of a burning permit, including, but not limited to:
 - i. require any or all fires to be contained;
 - ii. require any or all fires to be barricaded;
 - iii. restrict the time of day when a fire may be started or burned;
 - iv. require the use of certain methods of igniting a fire;
 - v. require the presence at a fire site of a means to extinguish the fire;
 - vi. require a minimum level of surveillance of the fire by the permit holder;
 - vii. specify size, number and material of any receptacle used to contain the fire;
 - viii. require the use of protective equipment; and
 - ix. only the Fire Department may waive terms and conditions in relation to a specific fire or fires, upon application in writing by the permit holder.
- c. Fees paid for burning permits are not refundable.
- d. Burning permits are not transferrable from one person to another or from one property to another.
- e. If, in the opinion of the Fire Department or By-Law Officer, a fire poses a danger or does not comply with the requirements of this By-Law or the terms and conditions set out in a burning permit, the Fire Department or By-law Officer may:
 - i. order the fire extinguished
 - ii. modify the fire in any way; or
 - iii. take any other steps deemed necessary to ensure public safety

3. PROHIBITIONS AND EXCEPTIONS

- a. Except for a fire which is allowed by an Open Burning Permit, no person shall burn, or allow to be burned a fire on a premises that does not comply with the requirements of this By-Law.
- b. No person shall build, ignite or allow an open burning of any fire unless that person possesses a valid and subsisting burning permit issued by the Fire Department or By-Law Officer.
- c. A Property Owner shall ensure that there is a valid and subsisting permit in place for any open fire on that Property Owner's Property.
- d. No person shall build, ignite or allow open burning of any fire in a manner contrary to the terms and conditions set out in the burning permit relating to that fire.
- e. No person shall ignite or allow open burning of any fire if wind conditions exceed 30 km per hour.

4. ALL FIRES MUST BE SUPERVISED

- a. Any person, who builds, ignites or allows a fire on a premise must ensure that the fire is not left unattended at any time with extinguishing material readily available.

5. RESTRICTIONS APPLIED TO ALL FIRES

- a. No person shall build, ignite or allow any open fire on a premise without first obtaining a permit from the Cardston Fire Department or Town of Cardston By-Law Officer.
- b. No person shall burn, at any time on any premises, the following materials:
 - i. treated or painted lumber;
 - ii. lumber products containing glue or resin;
 - iii. wet or unseasoned wood;
 - iv. garbage; meaning household refuse,
 - v. rubber or plastic materials of any kind; or
 - vi. any animal carcass or part thereof
- c. No person shall ignite or allow an open fire to burn on a premise between one

half hour after sunset and one half hour before the following sunrise.

6. FIRES IN FIREPLACES AND BAR-B-QUES

- a. A person may build, ignite or allow a fire on a premise in a fire place, as long as that person complies with Sections 4 and 5 of this By-Law.
- b. This By-Law exempts all Bar-B-Q implements unless a full fire ban is in effect.

7. FIRES IN FIRE PITS

- a. A person may build, ignite or allow a fire on a premise in a fire pit, as long as that person ensures that the fire is contained in a fire pit that:
 - i. is constructed of non-combustible material;
 - ii. has an open flame area that does not exceed 1 meter at it's widest point; does not have walls which exceed 0.75 meters in height;
 - iii. measured from the floor of the fire pit to the top of the wall of the fire pit excluding any chimney;
 - iv. is set upon or built into the bare ground or on a non-combustible material such as brick or stone;
 - v. is situated a minimum of 2 meters from any house, garage or other combustible material, including decks, fences, etc., measured from the part of the receptacle which is closest to the structure or combustible material;
 - vi. is not located under any tree or overhanging branches;
 - vii. the fire pit is covered with a suitable wire mesh with openings not exceeding 1 centimeter.
- b. Notwithstanding subsection 7.a.(v), 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:
 - i. 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 0.45 meters around the receptacle; and;
 - ii. the portable fire receptacle is situated at least two (2) meters from any house garage or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.
- c. Every person who builds, ignites or allows a fire in a fire pit must ensure that:
 - i. a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - ii. the flames from the fire do not exceed one (1) meter above the top of the fire pit at any time;
 - iii. the fire is not left unsupervised, by a person at least eighteen (18) years of age, at any time;
 - iv. the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

8. POWERS OF THE FIRE DEPARTMENT AND BY-LAW OFFICER

- a. If, in the opinion of a By-Law officer, or in the sole opinion of a member of the Fire Department, a fire poses a danger or does not comply with the requirements of this By-Law, a member of the Fire Department may extinguish the fire and take any other steps that may be deemed necessary to ensure that the fire and site of the fire no longer pose a danger.

9. FIRE BANS

- a. Notwithstanding any provision in this or any other By-Law, the Fire Chief may declare a complete ban of any burning of any kind in the Town of Cardston.
- b. When determining whether to declare a complete ban on burning the Fire Chief may take into consideration any or all of the following factors:
 - i. the air quality index;
 - ii. levels of recent precipitation;
 - iii. water shortages or restrictions;
 - iv. availability of fire fighters and/or fire fighting equipment; and
 - v. the overall fire danger
- c. No person shall build, ignite or allow any kind of fire when complete ban on burning has been declared by the Fire Chief and is in effect.
- d. A member of the Fire Department or a Peace Officer may direct a person to extinguish any fire when a fire ban is in place.
- e. A person who fails to comply with the direction of a member of the Fire Department or a Peace Officer to extinguish a fire during a fire ban commits an offence and the member of the Fire Department or the Peace Officer, as the case may be, may extinguish the fire.

10. FIREWORKS AND FLAMMABLE LIQUIDS

- a. No person under the age of 18 years shall purchase, possess or ignite any fireworks within the Town of Cardston.
- b. No person shall use, sell, possess, purchase or discharge fireworks anywhere in the Town of Cardston without a permit.
- c. Permits to buy or discharge fireworks within the Town of Cardston must first be obtained through the Fire Chief.
- d. No vendor of flammable liquids shall sell or deliver to any person such flammable liquid in any container other than a CSA approved container, duly marked for such flammable liquid.
- e. No person shall purchase, carry, possess or store any flammable liquid in anything other than a CSA approved container duly marked for such flammable liquid.

11. PENALTY

- a. Notwithstanding the provisions of this By-Law, any person committing a breach of any of the provisions of this By-Law listed in the column of Schedule "A", which forms part of this By-Law, may pay to the Chief Administration Officer at the Town of Cardston, the amount set out in Schedule "A" which pertains to the offence in lieu of being prosecuted and the amount paid shall belong to the General Revenue of the Town of Cardston.
- b. Any person who is convicted of an offence pursuant to the By-Law with no specified penalty in Schedule "A" is liable on summary conviction to a fine not exceeding Two Thousand (\$2,000.00) Dollars and in default of payment of any fine imposed, to a period of imprisonment not exceeding Six (6) Months.
- c. Regarding section 10.1 of this by-law, any Peace Officer or Fire Department employee may seize any and all fireworks and/or crackers that are in the possession of any person under the age of 18, said seizures will be disposed of in an appropriate manner.

12 REPEAL

By-law 1588 and amendments thereto, is hereby repealed.

13. FINAL PASSING

This By-law shall come into effect on the date of final passing.

Received first Reading this 8th day of May 2012.

Received second Reading this 8th day of May 2012.

Allow third reading this 8th day of May 2012

Received third and final Reading this 8th day of May 2012.

Signed by the Mayor and the Chief Administrative Officer this 10 day of
May, 2012.


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Mayor


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Chief Administrative Officer

BYLAW OPEN BURNING BYLAW – SCHEDULE "A" PENALTIES

2.2 (all)	Term and conditions	(see section 11.b)
2.5 (a)	Fail to extinguish	\$50.00
(b)	Fail to modify as ordered	\$50.00
(c)	Fail to follow direction of peace officer Or fire department	\$75.00
3 (all)	Prohibitions and Exceptions	(see section 11.b)
4 (a)	Fail to supervise fire	\$100.00
5.2 (all)	Burning unauthorized material	\$75.00
5.3	Burning outside of permitted hours	\$75.00
7 (all)	Fire pit regulations	(see section 11.b)
9 (all)	Fire ban regulations	(see section 11.b)
10.1	Under-age fireworks possession, etc.	\$50.00
10.2	Possess fireworks without a permit	\$75.00
10.3	Buy/possess fireworks w/o permit	\$75.00
10.4	Flammable liquid sold into non-CSA Container	\$100.00
10.5	Possess flammable liquid in non-CSA Container	\$75.00

All other offences not noted above will be subject to section 11.b as noted in this bylaw.