

BYLAW #64-1992

A BYLAW OF THE SUMMER VILLAGE OF SUNSET BEACH IN THE PROVINCE OF ALBERTA AUTHORIZING THE PREVENTION AND CONTROL OF FIRES

WHEREAS Sections 158 and 159 of the Municipal Government Act R.S.A. 1980 C.M-26 provide that a Council may pass bylaws for the prevention or the extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fire and for the prevention of and protection from fires generally within the Summer Village; and

WHEREAS the Council of the Summer Village of Sunset Beach wishes to provide for the prevention, regulation and control of the lighting of fires within the Summer Village;

NOW THEREFORE the Council of the Summer Village of Sunset Beach enacts as follows:

TITLE

1. That this bylaw may be cited as "The Fire Prevention and Control Bylaw".

DEFINITIONS

2. In this Bylaw

- a) Council means the Council of the Summer Village of Sunset Beach
- b) Summer Village means the Summer Village of Sunset Beach
- c) Incinerator Fire means a fire that is confined within a noncombustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than 12 millimeters and which are used for the purpose of burning refuse, protecting livestock from insects, or for protecting garden plants from frost.
- d) Outdoor fire means a fire other than that defined as an Incinerator Fire or Structure Fire and shall include fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or any fire which has escaped or spread from a building, structure, machine, vehicle or incinerator. An incinerator Fire without the required metal screen shall be deemed to be an Outdoor Fire
- e) Peace Officer means a member of the R.C.M.P., Bylaw Enforcement Officer or Special Constable as appointed by Council.
- f) Running Fire means a fire burning without being under the proper control of any person
- g) Structure Fire means a fire confined to and within any building, structure, machine or vehicle which will or is likely to cause the destruction of or damage to such building, structure, machine or vehicle.

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PERMITTED BURNING

3. 3.1 Burning shall not be permitted in any residential district, environmental or public reserve district except as permitted under EXCEPTIONS 4.
- 3.2 Burning shall be prohibited in agricultural small holding districts from April 1 to October 31.
- 3.3 Burning in agricultural small holding districts from Nov. 1 to March 30 shall be done under the conditions and restrictions of 4.3 (b) through (h) inclusive and shall be subject to any requirements of the Forest and Prairie Protection Act.
- 3.4 Structure fires are prohibited at all times in all districts.

EXEMPTIONS

4. A Fire Permit is not required under this Bylaw for Open Burning within the Summer Village of Sunset Beach provided that all of the following conditions are met:
- a) such burning is done in a metal or non combustible container of not less than forty five (45) gallons or eight feet with openings covered with a heavy gauge metal screen having a mesh size not larger than 13 millimeters or a properly constructed fire pit on mineral soil with a sufficiently high containment to prevent dispersal of live ash by wind or an outdoor fire set for the purposes of cooking or obtaining warmth or such burning is being done by village employees in the performance of village maintenance
- b) winds are less than 20 km per hour
- c) a minimum of one (1) adult must be in attendance at all times
- c) sufficient tools, equipment and quantities of water must be readily available for the size of burn being conducted.
- e) consideration must be given to neighbors as to avoid physical discomfort as a result of burning
- f) the igniter of the fire agrees to indemnify and save harmless the Summer Village of Sunset Beach from all liability arising out of the operations of such fire
- g) the fire is kept under control
- n) the fire is extinguished before it is abandoned.

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RECOVERY OF COSTS

2. In the case of action taken by Council or a Fire Guardian in respect of land within the Summer Village of Sunset Beach where the penalty, cost or fee is not paid upon demand by the owner of the land on which the fire originated then in default of payment, such penalty, costs or fee may be charged against the land as taxes due and owing in respect of that land.

In the case of action taken by Council or a Fire Guardian in respect of land outside the Summer Village or Sunset Beach where the penalty, cost or fee is not paid upon demand by the owner of the land on which the fire originated then in default of payment, such penalty, costs or fee the Council may recover such penalty, cost or fee as a debt due and owing to the Summer Village.

OFFENSES

- 6.1 No person shall light an Outdoor Fire unless he is the holder of a subsisting Fire Permit if required under the Forest and Prairie Protection Act and all conditions specified in this bylaw are met.
- 6.2 No person shall permit an Outdoor Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to the Bylaw.
- 6.3 When a fire is lit under the circumstances described in Section 6.2 the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
- a) extinguish the fire immediately, or
 - b) where he is unable to extinguish the fire immediately, report the fire to the Fire Department.
- 6.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee kindle a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- 6.5 No person shall light an Outdoor Fire, or an Incinerator Fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times.

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PENALTIES

7. 7.1 Any person who fails to hold a subsisting Fire Permit when one is required under the Forest and Prairie Protection Act guilty of an offense and is liable to such fines as are provided for under the Forest and Prairie Protection Act.
- 7.2 Where any Peace Officer has reasonable grounds to believe that a person has committed a breach of any of the provisions of the Bylaw, he may issue and serve upon such person a Violation Ticket.
- 7.3 Service of such a Violation Ticket shall be sufficient if it is:
- a) personally served, or
 - b) left for him at his last or most usual place of abode with a person who is apparently at least 16 years old.

SEVERABILITY

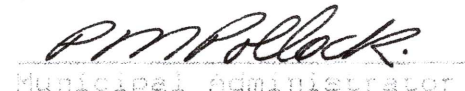
8. Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

Notwithstanding any of the preceding conditions, when the "No Open Fires" signs are posted at the entrances to the village no fires of any kind whether they require a permit or not may be ignited within the Summer Village of Sunset Beach and any existing fires must be extinguished immediately.

THIS BYLAW SHALL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF THE PASSING THEREOF.

Read a first, second and third time and finally passed this 14th day of MARCH, 1992.


Mayor


Municipal Administrator