



DRAYTON VALLEY

'Pulling Together'

BYLAW NO. 2013-08P

BEING THE BYLAW OF THE TOWN OF DRAYTON VALLEY IN THE PROVINCE OF ALBERTA, FOR THE REGULATION OF OPEN BURNING WITHIN THE TOWN OF DRAYTON VALLEY.

WHEREAS section 7(a) of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides that the Council of a Municipality may enact Bylaws for the safety, health and welfare of people and the protection of people and property.

AND WHEREAS section 8(a) of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides that the Council of a Municipality may enact Bylaws to regulate or prohibit.

AND WHEREAS section 8(c) of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, as amended, provides that the Council of a Municipality may enact Bylaws to provide for a system of licences, permits or approvals.

AND WHEREAS the Council of the Town of Drayton Valley recognizes that fireworks are explosive devices which are classified as Dangerous Goods under the *Alberta Fire Code* and which, when used improperly by untrained persons, can cause injury, damage, fire and death.

AND WHEREAS the Council of the Town of Drayton Valley is empowered to pass a bylaw with respect to the open burning of materials within the Town of Drayton Valley.

NOW THEREFORE the Council of the Town of Drayton Valley duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts as follows:

1. TITLE

This Bylaw may be cited as the **"The Outdoor Restriction Bylaw"**.

2. DEFINITIONS

2.1 In this Bylaw, the following definitions shall be used for the purposes of interpreting this Bylaw and its application, and:

- a) "Burning Permit" means a permit issued pursuant to this Bylaw by the Drayton Valley/Brazeau County Fire Services.

- b) "Brazier" means a container for fire, generally taking the form of an upright standing or hanging metal bowl or box, which is used for burning wood and other natural products that are used for heat, light, cooking and cultural rituals.
- c) "CAO" means the Person appointed as the Chief Administrative Officer or Town Manager for the Town of Drayton Valley.
- d) "Council" means the Council of the Town of Drayton Valley as constituted from time to time.
- e) "Coal" means the compressed remains of ancient plants utilized as a fossil fuel. For purposes of this Bylaw "Coal" shall include but not be limited to the following types of coal fuels:
 - I. Lignite;
 - II. Sub-bituminous;
 - III. Bituminous; and
 - IV. Anthracite.
- f) "Designate" means any Person that is employed by the Drayton Valley/Brazeau County Fire Services who is authorized by the Fire Chief or the CAO to carry out the duties or powers of the Fire Chief.
- g) "Fire" means any combustible material in a state of combustion and includes hot ashes and smoldering embers.
- h) "Fire Chief" means the Person appointed as head of the Town of Drayton Valley/Brazeau County Fire Services.
- i) "Fire Chief's Office" means the Fire Chief and other members of the Town of Drayton Valley/Brazeau County Fire Services.
- j) "Fire Ban" means a provincial ministerial order, an order of the CAO, or an order of a member of Fire Chief's Office that prohibits the igniting or lighting of a fire, cancels any or all fire or fireworks permits or Burning Permits, and requires the extinguishment of a fire.
- k) "Fire Box" means a large enclosed combustion chamber constructed of heavy iron and a heavy wire mesh with openings not larger than 13 millimeters (13mm) or a half inch (1/2") in size, and that is used to burn for the purpose of clearing land.

- l) "Garbage" means any discarded material from household/commercial activities that may include, but is not limited to: wet organic waste, plastic, paper, sanitary napkins, rubber, disposable diapers, glossy colored paper, particle board, construction materials, and other materials that when burned give off offensive odors and visible smoke.
- m) "Municipal Tag" means a tag or similar document issued by the Town pursuant to the Municipal Government Act R.S.A. 2000 c M-26 as amended or repealed and replaced from time to time.
- n) "Occupant" means any Person who is in possession of the property, other than the registered owner of the property, including but not restricted to a lessee, licensee, tenant, or agent of the owner of the property.
- o) "Open Burning" means the burning of any matter in such a manner that products of combustion resulting from the burning are emitted directly into the ambient (surrounding outside) air without passing through an adequate stack, duct or chimney.
- p) "Outdoor Fire" means any Fire that is not confined within a non-combustible container or structure and shall include but is not limited to:
 - I. Fires involving humus, soil, farm produce, bush, grass, soil, wood;
 - II. any Fire that has escaped or spread from a building, structure, machine, or vehicle;
 - III. any Fire that has escaped from a Fire Box; and
 - IV. any Fire that is in a pit in the ground or a Fire surrounded by Stones in a campfire fashion.
- q) "Owner" means a Person who meets the following criteria or any one of them:
 - I. is registered as the owner of Property pursuant to the *Land Titles Act*, R.S.A. 2000, Chapter L-4, as amended;
 - II. is listed as the owner of a Property on the current assessment roll of the Town;
 - III. has purchased or otherwise acquired a Property, either directly from a previous owner or from another purchaser, and has not yet registered ownership;
 - IV. is controlling a Property under construction; or
 - V. is the Occupant of the Property .
- r) "Peace Officer" means a Person appointed as a peace officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, Chapter P-35, and also

includes but is not limited to: an RCMP officer, a Community Peace Officer, a Safety Codes Officer, a Bylaw Enforcement Officer, or a duly appointed Special Constable for the Town of Drayton Valley, with authority to enforce the bylaws of the Town of Drayton Valley.

- s) "Person" means an individual, firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- t) "Property" means any real property and any building, structures, improvements, premises, or personal property located thereupon, within the municipal boundaries of the Town of Drayton Valley.
- u) "Prohibited Debris" has the meaning ascribed to it in the *Activities Designation Regulation*, Alta. Reg. 276/2003, as amended, and includes but is not limited to any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, acrid offensive odors or toxic air contaminants, tires, used petroleum products, furniture, roofing materials, biological waste, animal carcasses, and human or animal waste.
- t) "Running Fire" means a Fire burning without being under the proper control of any Person.
- u) "Specified Penalty" means a penalty specified in Schedule "A" hereof which may be paid in response to a Violation Ticket for an offence for breach of a section of this Bylaw.
- v) "Stone" means gravel, decorative rock, field/river stone, quarry rock or the like.
- w) "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.
- x) "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw and shall be issued pursuant to Part 2 of the Provincial Offences Procedure Act R.S.A. 2000, Chapter P-34.

2.2 For words contained in this Bylaw but not defined in the above noted section reference should be made to the Canadian Oxford Dictionary (Second Edition), published by Oxford University Press.

3. OFFENCES

- 3.1** No Person shall light, ignite, maintain or allow to be maintained, a Fire, or discharge fireworks without a Burning Permit unless otherwise exempted under this Bylaw.
- 3.2** No Person shall, either directly or indirectly, personally or through an agent, servant or employee ignite a Fire and allow it to become a Running Fire on any Property or allow a Running Fire to pass from that Person's Property to another Property.
- 3.3** No Person shall light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance not fueled by propane or natural gas, during a Fire Ban.
- 3.4** No Person shall light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance without first taking sufficient precaution to ensure that the Fire can be kept under control by the Person at all times.
- 3.5** No Person shall burn Garbage or Prohibited Debris in a fire pit, barbecue, portable appliance, Fire Box, or Outdoor Fire.
- 3.6** No Person shall install, operate or burn materials in an outdoor wood-fired boiler.
- 3.7** Except as provided for in bylaw 2010/07/P Fireworks Prohibition Bylaw, no Person shall sell, offer for sale, store, purchase, possess, handle, discharge, fire or set off fireworks within the municipal boundaries of the Town of Drayton Valley.
- 3.8** No Person shall obstruct or interfere with a Peace Officer, the Fire Chief, Designate, or member of the Fire Chief's Office in the performance of their duties. Such obstruction will include, but is not limited to, failing to provide access to Property and failing to provide identifying information about a person.
- 3.9** When a Fire is lit or ignited under the circumstances described in Section 3.1, the Owner or the Person having control of the Property upon which such Fire is lit or ignited shall:
 - a) Extinguish the Fire immediately; or
 - b) if unable to extinguish the Fire immediately, report the Fire to the Fire Chief's Office; and
 - c) be liable to prosecution pursuant to this Bylaw.
- 3.10** Failure to comply with a Burning Permit as originally issued by the Fire Chief, Designate, or Fire Chief's Office is a breach of this Bylaw.

3.11 Failure to comply with subsequent verbal or written instructions issued by the Fire Chief, Designate, Fire Chief's Office or Peace Officer is a breach of this Bylaw.

4. EXEMPTIONS

4.1 A Burning Permit is not required for the following:

a) An approved fire pit or barbecue that is:

- I. a minimum of 3 metres (10ft) clearance from buildings, property lines and combustible materials (propane or natural gas barbecues are exempt);
- II. constructed of bricks, cement blocks, heavy gauge metal or other suitable non-combustible material components; with no voids or gaps to allow for Fire to escape (i.e. not individually arranged Stones);
- III. has a spark arrestor mesh screen having mesh size not larger than 13 millimeters (1/2") located over Fire at all times and an outside diameter of the fire pit to be not more than 1.0 metre (3ft);
- IV. located in a location that does not reduce the quiet enjoyment of neighbouring Property;
- V. constructed to a total maximum of one per lot or Property;
- VI. used to burn clean wood only or Coal briquettes, propane or natural gas fuels (no preservative or painted wood);
- VII. supervised at all times by a responsible Person until such time that the Fire located therein has been extinguished;
- VIII. in a non combustible container that allows for a flame height to not exceed 90 centimeters (2.97ft) above the fire pit or barbecue;
- IX. in a non-combustible portable pit with a non-combustible base;
or
- X. A ceremonial Brazier

- b) A non-combustible container provided by the Town of Drayton Valley within a designated public park where Open Burning for cooking and warming is permitted.
- c) Fires that are set for the purpose of training fire fighters as authorized by the Fire Chief's Office.
- d) Any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act Regulations.

5. PENALTIES

- 5.1** Any Person who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable on summary conviction to the Specified Penalties as set out in Schedule "A" to this Bylaw and in the event there is no Specified Penalty in this Bylaw to a fine of not more than \$5000.00.
- 5.2** A Peace Officer is authorized to enforce this Bylaw under section 7 of the *Municipal Government Act*, and may, under Part 2 of the *Provincial Offences Procedure Act*, issue a Violation Ticket.
- 5.3** A Municipal Tag may be issued by the Town of Drayton Valley in respect of an offence, and if issued the Municipal Tag must specify the fine amounts established by this Bylaw for the offence.
- 5.4** Any Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid within fourteen (14) days of the date of the Municipal Tag the Person will not be prosecuted for the offence.
- 5.5** The Town of Drayton Valley is not first required to issue a Municipal Tag for an offence before a Violation Ticket may be issued. If the person to whom a Municipal Tag is issued fails to pay the fine within the time specified, the Town may prosecute under this Bylaw pursuant to the *Provincial Offences Procedure Act*. However, nothing contained herein shall prevent the immediate issuance of a Violation Ticket, at any time.

6. SEVERABILITY

- 6.1** 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 severed from the remainder of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the severed section had not been enacted as part of this Bylaw.

- 6.2 Nothing in this Bylaw shall be deemed to authorize any Fire, Open Burning or other act which is in contravention of the *Environmental Protection and Enhancement Act*, R.S.A 2000, c. E-12, as well as the *Alberta Safety Codes Act* and *Forest and Prairie Protection Act* and amendments thereto, or any regulation made there under, and in the event of any conflict between the provisions of this Bylaw and the said acts or regulations, the provisions of the said acts or regulations shall govern.

7. BURNING PERMITS

- 7.1 In addition to any fire permit required pursuant to the *Forest and Prairie Protection Act*, all Fires in the Town of Drayton Valley, unless specifically exempted by this Bylaw, shall require a Burning Permit issued pursuant to this Bylaw.
- 7.2 Notwithstanding the foregoing, any fire permit issued pursuant to the *Forest and Prairie Protection Act* shall be deemed for all purposes to be a Burning Permit issued pursuant to this Bylaw.
- 7.3 Council may, from time to time, by resolution establish a fee for issuing a Burning Permit.
- 7.4 When an emergency arises or a potential emergency exists as determined in the absolute discretion of the Fire Chief, the Fire Chief is hereby authorized to suspend or restrict all Burning Permits and any Fires within all or any portion of the municipal boundaries of the Town of Drayton Valley for any period of time and on such conditions as may be determined by the Fire Chief in his absolute discretion.
- 7.5 Upon receiving notice of the suspension or cancellation of a Burning Permit, the Person the Burning Permit was issued to shall immediately take action to extinguish any Fire authorized pursuant to the Burning Permit.
- 7.6 If a Fire authorized pursuant to a Burning Permit continues to burn after the period of time for which the Burning Permit is valid, the Person the Burning Permit was issued to shall immediately take action to extinguish the Fire.
- 7.7 An application for a Burning Permit for an Outdoor Fire or a Structure Fire shall be made by submitting a completed application form to the Fire Chief's Office during regular business hours. The Fire Chief's Office shall receive and consider the application and, after having done so, the Fire Chief, in his absolute discretion, may issue or refuse issuance of the Burning Permit.

- 7.8 Notwithstanding any provision in this Bylaw, the Fire Chief, in his absolute discretion, may issue any Burning Permit pursuant to this Bylaw and specify any additional conditions the Fire Chief deems appropriate.
- 7.9 Burning Permits for Outdoor Fires and Structure Fires shall be required under this Bylaw during all months of the year.
- 7.10 A Burning Permit issued pursuant to this Bylaw is valid for such period of time as determined by the Fire Chief in his absolute discretion, but shall not exceed fourteen (14) days. The period of time in which the Fire Permit is valid shall be endorsed thereon.
- 7.11 Each application for a Burning Permit shall contain, among other things, the following information:
- a) the name and address of the applicant;
 - b) the legal description or civic address of the Property that is the proposed location for the Fire;
 - c) a description of the material the applicant proposes to burn;
 - d) the period of time for which the Burning Permit is requested to be valid;
 - e) the precautions proposed to be taken by the applicant to ensure that the proposed Fire remains under the control of the applicant;
 - f) the signature of the applicant;
 - g) if issued, the signature of the Fire Chief issuing the Burning Permit.

8. EXTINGUISHING FIRES AND COSTS

- 8.1 The Owner of a Property shall be liable for expenses and costs incurred by the Town of Drayton Valley in responding to, suppressing, and extinguishing Fires on that Property. Should a Person fail to pay the Town of Drayton Valley the aforementioned costs, the Town of Drayton Valley may exercise its authority pursuant to the *Municipal Government Act* including but not limited to:
- a. commencing a civil action for the debt in a court of competent jurisdiction; and
 - b. adding the unpaid costs and expenses related to the extinguishing of the Fire on the Property to the tax roll of the Property on which the Fire was located.
- 8.2 When a Fire is ignited contrary to the terms or conditions of this Bylaw, or a Burning Permit, the Fire shall be extinguished immediately. If the Fire cannot be extinguished immediately it shall be reported immediately to the Fire Chief's Office. Any of the following persons shall be liable, and guilty of an offence, if such a Fire is not extinguished or report to the Fire Chief's Office immediately:

- a) the Owner of the Property upon which the Fire is located;
 - b) an Occupant of the Property upon which the Fire is located, maintained or allowed;
 - c) a Person that ignited the Fire;
 - d) the Person in control of the Fire; and
 - e) the Person to whom the Burning Permit was issued regarding the Fire.
- 8.3** The Fire Chief's Office, and any member thereof, may enter onto any Property for the purpose of responding to, suppressing, extinguishing, controlling or containing any Fire, hazardous materials or other emergency services.
- 8.4** The Fire Chief, Designate, Peace Officer, or the Fire Chief's Office shall be empowered to extinguish or cause to be extinguished any fire:
- a) that is controlled or lit in contravention of any provision of this Bylaw, or
 - b) where emergency conditions may require such fire to be extinguished, or
 - c) where weather conditions may require that a fire be extinguished.
- 8.5** Where Fire Services has taken action whatsoever for the purpose of extinguishing a fire, responding to a fire call or incident in the Town of Drayton Valley, or for the purpose of preserving life or Property from injury or destruction by fire or other incident on Property within the Town of Drayton Valley, including any action taken by Fire Services in taking such action, charge these costs to the Owner of the Property in respect of which the action was taken.
- 8.6** The costs for services rendered shall be determined by the Fire Chief or the CAO and a notice of those costs provided to the Owner. In the event that the Owner shall feel aggrieved by any action taken by the Fire Chief or CAO pursuant to Section 5.1, he or she shall have a period of thirty (30) days from the date of mailing of the notice from Town of Drayton Valley in which to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the Owner of the Property.
- 8.7** In respect of any costs or fees levied or charged under this Bylaw:
- a) the Town of Drayton Valley may recover such costs or fees as an amount due and owing to the Town of Drayton Valley pursuant to Section 552 of the Municipal Government Act R.S.A. 2000, Chapter M-26; and
 - b) In default of payment, where permitted by the Municipal Government Act R.S.A. 2000, Chapter M-26 Section 533(1)(c), add the amounts due to the tax roll of the Property in question.

9. EFFECTIVE DATE AND TRANSITION

9.1 This Bylaw shall come into force and effect on the date of the third reading thereof.

9.2 Upon this Bylaw coming into effect Bylaw 90-17 The Burning Permit Bylaw is hereby repealed.

READ A FIRST TIME THIS 17 DAY OF July, ²⁰¹³2010 A. D.



MAYOR

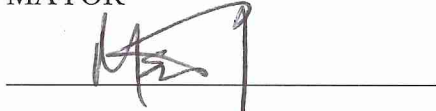


TOWN MANAGER

READ A SECOND TIME THIS 21 DAY OF August, ²⁰¹³2010 A. D. as amended



Deputy
MAYOR



TOWN MANAGER

READ A THIRD AND FINAL TIME THIS 21 DAY OF August, ²⁰¹³2010 A. D. as amended



Deputy
MAYOR



TOWN MANAGER

SCHEDULE "A"
Bylaw 2013-08P The Burning Bylaw

Whereas, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provisions of Section 7 of the *Municipal Government Act*, Council may by bylaw provide for payment of Violation Tickets or summons out of court.

A notice of form (commonly called a Violation Ticket) may be issued by a Peace Officer to any Person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regard to payment.

An "X" after the amount of penalty indicated that a ticket may be issued under Part 2 of the Provincial Offences Procedure Act making a Court appearance mandatory.

		First Offence	Second Offence	Subsequent Offences
Section 3.1	Light, ignite, maintain or allow to be maintained, a Fire, or discharge fireworks without a Burning Permit unless otherwise exempted under this Bylaw.	\$500	\$1500/x	\$5000/x
Section 3.2	Either directly or indirectly, personally or through an agent, servant or employee ignite a Fire and allow it to become a Running Fire on any Property or allow a Running Fire to pass from that Person's Property to another Property.	\$500	\$1500	\$5000
Section 3.3	Light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance not fueled by propane or natural gas, during a Fire Ban.	\$500	\$1500	\$5000
Section 3.4	Light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance without first taking sufficient precaution to ensure that the Fire can be kept under control by the Person at all times.	\$500	\$1500	\$5000
Section 3.5	burn Garbage or Prohibited Debris in a fire pit, barbecue, portable appliance, Fire Box, or Outdoor Fire.	\$500	\$1500	\$5000
Section 3.6	Install, operate or burn materials in an outdoor wood-fired boiler.	\$250	\$1000	\$2500

Section 3.7	Sell, offer for sale, store, purchase, possess, handle, discharge, fire or set off fireworks within the municipal boundaries of the Town of Drayton Valley.	\$500	\$1500	\$5000
Section 3.8	Obstruct or interfere with a Peace Officer, the Fire Chief, Designate, or member of the Fire Chief's Office in the performance of their duties.	\$1000	\$2500	\$5000
Section 3.9	Fire is lit under the circumstances described in section 3.1	\$500	\$1500	\$5000
Section 3.10	Failure to comply with a Burning Permit as originally issued by the Fire Chief, Designate, or Fire Chief's Office is a breach of this Bylaw.	\$500	\$1500/x	\$5000/x
Section 3.11	Failure to comply with subsequent verbal or written instructions issued by the Fire Chief, Designate, Fire Chief's Office or Peace Officer is a breach of this Bylaw.	\$500	\$1500	\$5000



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'Pulling Together'

BYLAW NO. 2013/08/P

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3. OFFENCES

- 3.1** No Person shall light, ignite, maintain or allow to be maintained, a Fire, or discharge fireworks without a Burning Permit unless otherwise exempted under this Bylaw.
- 3.2** No Person shall, either directly or indirectly, personally or through an agent, servant or employee ignite a Fire and allow it to become a Running Fire on any Property or allow a Running Fire to pass from that Person's Property to another Property.
- 3.3** No Person shall light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance not fueled by propane or natural gas, during a Fire Ban.
- 3.4** No Person shall light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance without first taking sufficient precaution to ensure that the Fire can be kept under control by the Person at all times.
- 3.5** No Person shall burn Garbage or Prohibited Debris in a fire pit, barbecue, portable appliance, Fire Box, or Outdoor Fire.
- 3.6** No Person shall install, operate or burn materials in an outdoor wood-fired boiler.
- 3.7** Except as provided for in bylaw 2010/07/P Fireworks Prohibition Bylaw, no Person shall sell, offer for sale, store, purchase, possess, handle, discharge, fire or set off fireworks within the municipal boundaries of the Town of Drayton Valley.

- 3.8** No Person shall obstruct or interfere with a Peace Officer, the Fire Chief, Designate, or member of the Fire Chief's Office in the performance of their duties. Such obstruction will include, but is not limited to, failing to provide access to Property and failing to provide identifying information about a person.
- 3.9** When a Fire is lit or ignited under the circumstances described in Section 3.1, the Owner or the Person having control of the Property upon which such Fire is lit or ignited shall:
- a) Extinguish the Fire immediately; or
 - b) if unable to extinguish the Fire immediately, report the Fire to the Fire Chief's Office; and
 - c) be liable to prosecution pursuant to this Bylaw.
- 3.10** Failure to comply with a Burning Permit as originally issued by the Fire Chief, Designate, or Fire Chief's Office is a breach of this Bylaw.
- 3.11** Failure to comply with subsequent verbal or written instructions issued by the Fire Chief, Designate, Fire Chief's Office or Peace Officer is a breach of this Bylaw.

4. EXEMPTIONS

- 4.1** A Burning Permit is not required for the following:
- a) An approved fire pit or barbecue that is:
 - I. a minimum of 3 metres (10ft) clearance from buildings, property lines and combustible materials;
 - II. constructed of bricks, cement blocks, heavy gauge metal or other suitable non-combustible material components; with no voids or gaps to allow for Fire to escape (i.e. not individually arranged Stones);
 - III. has a spark arrestor mesh screen having mesh size not larger than 13 millimeters (1/2") located over Fire at all times and an outside diameter of the fire pit to be not more than 1.0 metre (3ft);
 - IV. located in a location that does not reduce the quiet enjoyment of neighbouring Property;
 - V. constructed to a total maximum of one per lot or Property;

- VI. used to burn clean wood only or Coal briquettes, propane or natural gas fuels (no preservative or painted wood);
 - VII. supervised at all times by a responsible Person until such time that the Fire located therein has been extinguished;
 - VIII. in a non combustible container that allows for a flame height to not exceed 90 centimeters (2.97ft) above the fire pit or barbecue;
 - IX. in a non-combustible portable pit with a non-combustible base; or
 - X. A ceremonial Brazier
- b) A non-combustible container provided by the Town of Drayton Valley within a designated public park where Open Burning for cooking and warming is permitted.
 - c) Fires that are set for the purpose of training fire fighters as authorized by the Fire Chief's Office.
 - d) Any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act Regulations.

5. PENALTIES

- 5.1 Any Person who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable on summary conviction to the Specified Penalties as set out in Schedule "A" to this Bylaw and in the event there is no Specified Penalty in this Bylaw to a fine of not more than \$5000.00.
- 5.2 A Peace Officer is authorized to enforce this Bylaw under section 7 of the *Municipal Government Act*, and may, under Part 2 of the *Provincial Offences Procedure Act*, issue a Violation Ticket.
- 5.3 A Municipal Tag may be issued by the Town of Drayton Valley in respect of an offence, and if issued the Municipal Tag must specify the fine amounts established by this Bylaw for the offence.
- 5.4 Any Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid within fourteen (14) days of the date of the Municipal Tag the Person will not be prosecuted for the offence.

- 5.5 The Town of Drayton Valley is not first required to issue a Municipal Tag for an offence before a Violation Ticket may be issued. If the person to whom a Municipal Tag is issued fails to pay the fine within the time specified, the County may prosecute under this Bylaw pursuant to the *Provincial Offences Procedure Act*. However, nothing contained herein shall prevent the immediate issuance of a Violation Ticket, at any time.

6. SEVERABILITY

- 6.1 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 severed from the remainder of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the severed section had not been enacted as part of this Bylaw.
- 6.2 Nothing in this Bylaw shall be deemed to authorize any Fire, Open Burning or other act which is in contravention of the *Environmental Protection and Enhancement Act*, R.S.A 2000, c. E-12, as well as the *Alberta Safety Codes Act* and *Forest and Prairie Protection Act* and amendments thereto, or any regulation made there under, and in the event of any conflict between the provisions of this Bylaw and the said acts or regulations, the provisions of the said acts or regulations shall govern.

7. BURNING PERMITS

- 7.1 In addition to any fire permit required pursuant to the *Forest and Prairie Protection Act*, all Fires in the Town of Drayton Valley, unless specifically exempted by this Bylaw, shall require a Burning Permit issued pursuant to this Bylaw.
- 7.2 Notwithstanding the foregoing, any fire permit issued pursuant to the *Forest and Prairie Protection Act* shall be deemed for all purposes to be a Burning Permit issued pursuant to this Bylaw.
- 7.3 Council may, from time to time, by resolution establish a fee for issuing a Burning Permit.
- 7.4 When an emergency arises or a potential emergency exists as determined in the absolute discretion of the Fire Chief, the Fire Chief is hereby authorized to suspend or restrict all Burning Permits and any Fires within all or any portion of the municipal boundaries of the Town of Drayton Valley for any period of time and on such conditions as may be determined by the Fire Chief in his absolute discretion.

- 7.5 Upon receiving notice of the suspension or cancellation of a Burning Permit, the Person the Burning Permit was issued to shall immediately take action to extinguish any Fire authorized pursuant to the Burning Permit.
- 7.6 If a Fire authorized pursuant to a Burning Permit continues to burn after the period of time for which the Burning Permit is valid, the Person the Burning Permit was issued to shall immediately take action to extinguish the Fire.
- 7.7 An application for a Burning Permit for an Outdoor Fire or a Structure Fire shall be made by submitting a completed application form to the Fire Chief's Office during regular business hours. The Fire Chief's Office shall receive and consider the application and, after having done so, the Fire Chief, in his absolute discretion, may issue or refuse issuance of the Burning Permit.
- 7.8 Notwithstanding any provision in this Bylaw, the Fire Chief, in his absolute discretion, may issue any Burning Permit pursuant to this Bylaw and specify any additional conditions the Fire Chief deems appropriate.
- 7.9 Burning Permits for Outdoor Fires and Structure Fires shall be required under this Bylaw during all months of the year.
- 7.10 A Burning Permit issued pursuant to this Bylaw is valid for such period of time as determined by the Fire Chief in his absolute discretion, but shall not exceed fourteen (14) days. The period of time in which the Fire Permit is valid shall be endorsed thereon.
- 7.11 Each application for a Burning Permit shall contain, among other things, the following information:
- a) the name and address of the applicant;
 - b) the legal description or civic address of the Property that is the proposed location for the Fire;
 - c) a description of the material the applicant proposes to burn;
 - d) the period of time for which the Burning Permit is requested to be valid;
 - e) the precautions proposed to be taken by the applicant to ensure that the proposed Fire remains under the control of the applicant;
 - f) the signature of the applicant;
 - g) if issued, the signature of the Fire Chief issuing the Burning Permit.

8. EXTINGUISHING FIRES AND COSTS

- 8.1 The Owner of a Property shall be liable for expenses and costs incurred by the Town of Drayton Valley in responding to, suppressing, and extinguishing Fires on that Property. Should a Person fail to pay the Town of Drayton Valley the

aforementioned costs, the Town of Drayton Valley may exercise its authority pursuant to the *Municipal Government Act* including but not limited to:

- a. commencing a civil action for the debt in a court of competent jurisdiction; and
- b. adding the unpaid costs and expenses related to the extinguishing of the Fire on the Property to the tax roll of the Property on which the Fire was located.

8.2 When a Fire is ignited contrary to the terms or conditions of this Bylaw, or a Burning Permit, the Fire shall be extinguished immediately. If the Fire cannot be extinguished immediately it shall be reported immediately to the Fire Chief's Office. Any of the following persons shall be liable, and guilty of an offence, if such a Fire is not extinguished or report to the Fire Chief's Office immediately:

- a) the Owner of the Property upon which the Fire is located;
- b) an Occupant of the Property upon which the Fire is located, maintained or allowed;
- c) a Person that ignited the Fire;
- d) the Person in control of the Fire; and
- e) the Person to whom the Burning Permit was issued regarding the Fire.

8.3 The Fire Chief's Office, and any member thereof, may enter onto any Property for the purpose of responding to, suppressing, extinguishing, controlling or containing any Fire, hazardous materials or other emergency services.

8.4 The Fire Chief, Designate, Peace Officer, or the Fire Chief's Office shall be empowered to extinguish or cause to be extinguished any fire:

- a) that is controlled or lit in contravention of any provision of this Bylaw, or
- b) where emergency conditions may require such fire to be extinguished, or
- c) where weather conditions may require that a fire be extinguished.

8.5 Where Fire Services has taken action whatsoever for the purpose of extinguishing a fire, responding to a fire call or incident in the Town of Drayton Valley, or for the purpose of preserving life or Property from injury or destruction by fire or other incident on Property within the Town of Drayton Valley, including any action taken by Fire Services in taking such action, charge these costs to the Owner of the Property in respect of which the action was taken.

8.6 The costs for services rendered shall be determined by the Fire Chief or the CAO and a notice of those costs provided to the Owner. In the event that the Owner shall feel aggrieved by any action taken by the Fire Chief or CAO pursuant to Section 5.1, he or she shall have a period of thirty (30) days from the date of mailing of the notice from Town of Drayton Valley in which to appeal to Council

the action. The decision of Council on any such appeal shall be final and binding upon the Owner of the Property.

8.7 In respect of any costs or fees levied or charged under this Bylaw:

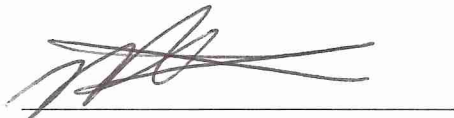
- a) the Town of Drayton Valley may recover such costs or fees as an amount due and owing to the Town of Drayton Valley pursuant to Section 552 of the Municipal Government Act R.S.A. 2000, Chapter M-26; and
- b) In default of payment, where permitted by the Municipal Government Act R.S.A. 2000, Chapter M-26 Section 533(1)(c), add the amounts due to the tax roll of the Property in question.

9. EFFECTIVE DATE AND TRANSITION

9.1 This Bylaw shall come into force and effect on the date of the third reading thereof.

9.2 Upon this Bylaw coming into effect Bylaw 90-17 The Burning Permit Bylaw is hereby repealed.

READ A FIRST TIME THIS 17 DAY OF July, 2013 A. D.



MAYOR



TOWN MANAGER

read for second time 21 day of August, 2013 A.D.
read for a third and final time 21 day of August 2013 A.D.

Prior to second reading, updates were made, see final version attached.

SCHEDULE "A"
Bylaw 2013-08P The Outdoor Burning Restriction Bylaw

Whereas, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provisions of Section 7 of the *Municipal Government Act*, Council may by bylaw provide for payment of Violation Tickets or summons out of court.

A notice of form (commonly called a Violation Ticket) may be issued by a Peace Officer to any Person charged with a breach of any of the provisions of this Bylaw and the hereto-mentioned Acts shall apply in regard to payment.

An "X" after the amount of penalty indicated that a ticket may be issued under Part 2 of the Provincial Offences Procedure Act making a Court appearance mandatory.

		First Offence	Second Offence	Subsequent Offences
Section 3.1	Light, ignite, maintain or allow to be maintained, a Fire, or discharge fireworks without a Burning Permit unless otherwise exempted under this Bylaw.	\$500	\$1500/x	\$5000/x
Section 3.2	Either directly or indirectly, personally or through an agent, servant or employee ignite a Fire and allow it to become a Running Fire on any Property or allow a Running Fire to pass from that Person's Property to another Property.	\$500	\$1500	\$5000
Section 3.3	Light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance not fueled by propane or natural gas, during a Fire Ban.	\$500	\$1500	\$5000
Section 3.4	Light or ignite, or cause to be lit or ignited, a fire pit, barbecue or portable appliance without first taking sufficient precaution to ensure that the Fire can be kept under control by the Person at all times.	\$500	\$1500	\$5000
Section 3.5	burn Garbage or Prohibited Debris in a fire pit, barbecue, portable appliance, Fire Box, or Outdoor Fire.	\$500	\$1500	\$5000

Section 3.6	Install, operate or burn materials in an outdoor wood-fired boiler.	\$250	\$1000	\$2500
Section 3.7	Sell, offer for sale, store, purchase, possess, handle, discharge, fire or set off fireworks within the municipal boundaries of the Town of Drayton Valley.	\$500	\$1500	\$5000
Section 3.8	Obstruct or interfere with a Peace Officer, the Fire Chief, Designate, or member of the Fire Chief's Office in the performance of their duties.	\$1000	\$2500	\$5000
Section 3.9	Fire is lit under the circumstances described in section 3.1	\$500	\$1500	\$5000
Section 3.10	Failure to comply with a Burning Permit as originally issued by the Fire Chief, Designate, or Fire Chief's Office is a breach of this Bylaw.	\$500	\$1500/x	\$5000/x
Section 3.11	Failure to comply with subsequent verbal or written instructions issued by the Fire Chief, Designate, Fire Chief's Office or Peace Officer is a breach of this Bylaw.	\$500	\$1500	\$5000

