



**BYLAW NO 08-2014
OF THE
VILLAGE OF WABAMUN
IN THE PROVINCE OF ALBERTA**

THIS BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, AUTHORIZING THE PREVENTION AND CONTROL OF FIRES

WHEREAS

Sections 7 and 8 of the *Municipal Government Act* R.S.A. 2000, chapter M-26 ("*Municipal Government Act*") provide that 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 provides the Municipality the authority to establish a system of licenses, permits or approvals within Village of Wabamun;

AND WHEREAS

the Council of Village of Wabamun pursuant to the powers granted to it under the *Municipal Government Act* wishes to provide for the prevention, regulation and control of the lighting of fires within Village of Wabamun;

NOW THEREFORE

the Council of Village of Wabamun duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts as following:

SECTION 1 - NAME OF BYLAW

1. This Bylaw may be cited as "the Fire Permit Bylaw".

SECTION 2 - DEFINITIONS

1. In this Bylaw:

- a. "Approved Fire Pit" means a barbecue or fire pit that is
 - i. A minimum of three (3) metres clearance from buildings, property lines and combustible materials;
 - ii. Constructed of bricks, cement blocks, heavy gauge metal or other suitable non-combustible material components;

- iii. Designed for a fire within a non-combustible container provided by Village of Wabamun within a designated public park where burning for cooking and warming is permitted
- b. "CAO" means the person appointed as the Chief Administrative Officer of Village of Wabamun;
- c. "Coal" means the compressed remains of ancient plants utilized as a fossil fuel. For the 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;
- d. "Coal Fired Indoor or Outdoor Appliance" means any device, piece of equipment, stove, furnace, boiler, or burner that uses coal for its fuel.
- e. "Consumer fireworks" are commonly referred to as low hazard fireworks generally used for recreation. Examples include, but are not limited to: showers, golden rain, lawn lights, pinwheels, roman candles, volcanoes, and sparklers. These are classified as type F.1 explosives in the Regulation.
- f. "Council" means the Council of Village of Wabamun as constituted from time to time;
- g. "CSA standard" means the Performance Testing of Solid Fuel-Burning Heating Appliances CAN/CSA-B415.1 standard published by the Canadian Standards Association as amended from time to time.
- h. "Designate" means any person appointed by the Fire Chief to carry out duties under this bylaw;
- i. "Display fireworks" are commonly referred to as high hazard fireworks generally used for public display by trained professionals. Examples include, but are not limited to: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers. These are classified as type F.2 explosives in the Regulation.
- j. "EPA standard" means the new source performance standards, title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA), published by the United States Environmental Protection Agency as amended from time to time.
- k. Explosives Act – means Act - means the Explosives Act, Revised Statutes of Canada, 1985, Chapter E-17, and the Regulations enacted hereunder as amended from time to time

- l. "Fire Ban" means a provincial ministerial order or an order by a member of the Fire Chief's Office, who may, at their discretion, cancel any or all fire permits, prohibiting the lighting or requiring the extinguishment of a fire;
- m. "Fire Chief" means the person appointed as head of the Parkland County's Fire Services Department;
- n. "Fire Chief's Office" means the Fire Chief and other Fire Services members;
- o. "Fire Permit" means a permit issued by the Fire Chief or his designate pursuant to this Bylaw allowing for the setting of outdoor fires, structure fires, incinerator fires, or discharging fireworks within Village of Wabamun;
- p. "Fireworks" means any Fireworks listed in the Explosives Act (Canada) and regulations under the Act.
- q. "Household Garbage" means any discarded material from household activities that may include, but is not limited to: wet organic waste, plastic, rubber, disposable diapers, glossy coloured paper, particle board, and other materials that when burned give off offensive odours and visible smoke.
- r. "Incinerator Fire" means a fire that is confined within a non-combustible structure, container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimetres, but does not include any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations;
- s. "Occupant" means any person other than the registered owner who is in possession of the property, including, but not restricted to, a lessee, licensee, tenant or agent of the owner.
- t. "Open burning" is defined as "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."
- u. "Outdoor Fire" means any fire other than that defined as an incinerator fire, structure fire, or smudge fire, and shall include, but not be limited to:
 - i. Fires involving humus, wood, soil, farm produce, bush, grass, feed, straw, coal;
 - ii. Any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator;
 - iii. An incinerator fire without the required metal screen; or
 - iv. A smudge fire without the required metal screen

- v. "Outdoor Wood Boiler" (also known as Outdoor Wood Fired Hydronic Heater, Wood Stove or Outdoor Wood Furnace) means a fuel burning device designed to burn wood and other approved solid fuels such as coal; that the manufacturer specifies for outdoor installation and heats fluid, typically water and antifreeze mixture for distribution typically through pipes to heat building space.
- w. "Owner" means:
 - i. The person as registered on title at the Land Titles Offices;
 - ii. A person who is recorded as the owner of the property on the assessment roll of the Village
 - iii. A person who has purchased or otherwise acquired the property, whether purchased or otherwise acquired from the owner or from another purchase, and has not become the registered owner thereof;
 - iv. A person controlling the property under construction; or
 - v. A person who is the occupant of the property under a rental agreement, lease, license, or permit.
- x. "Peace Officer" means a person appointed as a peace officer under Section 7 of the *Peace Officer Act*;
- y. "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporate, association, society and any other legal entity;
- z. "Portable Appliance" means any appliance sold or constructed for the purpose of cooking food in the out of doors.
- aa. "Prohibited Debris" means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants, pursuant to *Activities Designation Regulation (AR 276/2003)*;
- bb. "Property" means any lands, buildings, structures or premises, or any personal property located thereupon, within the municipal boundaries of the Village.
- cc. "Restricted Burn Area" means an area within Village of Wabamun that has special burning restrictions as designated by the Fire Chief, or his designate;
- dd. "Running Fire" means a fire burning without being under the proper control of any Person;
- ee. "Smudge Fire" means a fire set for the purpose of protecting livestock from insects or for protecting garden plants from frost;
- ff. "Solid fuel" refers to various types of solid material that are used as fuel to produce energy and provide heating, usually released through combustion. Solid fuels include, but are not limited to: wood, charcoal, peat, coal, Hexamine fuel tablets, and pellets made from wood, corn, wheat, rye and other grains.

- gg. "Solid Fuel Appliances" means any fireplace or wood heater that burns wood, coal, or any other nongaseous or non-liquid fuels, or any similar device burning any solid fuel, used for aesthetic or space-heating purposes in a private residence or commercial establishment,
- hh. "Specified Penalty" means a penalty specified in Schedule "A" which may be paid in response to a Violation Ticket, for an alleged offence of any section of this Bylaw;
- ii. "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.
- jj. "Village" means Village of Wabamun;
- kk. "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw pursuant to Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000, Chapter P-34.

SECTION 3 – POWERS OF THE FIRE CHIEF OR HIS DESIGNATE

1. Where an emergency or a potential emergency exists, the Fire Chief or his designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any camping fire lit for cooking or warming purposes or the discharging of fireworks within municipal boundaries for such a period of time and on such conditions as may be determined by the Fire Chief or his designate

SECTION 4 - FIRE PERMITS

1. Fire Permits shall be required under this Bylaw at all times.
2. Council from time to time by resolution may establish a fee for issuing a fire or fireworks permit.
3. An application for a fire permit for an outdoor fire, a structure fire shall be made to a Fire Chief or designate in writing. The Fire Chief or his designate shall receive and consider the application and may refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.
4. When issuing a fire permit, a Fire Chief or his designate may issue the fire permit unconditionally and/or may impose conditions.
5. Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Chief or his designate issuing the permit, but in any case shall not exceed ninety (90) days. The fire permit shall have endorsed thereon the period of time for it is valid.
6. Each application for a fire permit shall contain the following information:
 - a. The name and address of the applicant;

- b. The legal description or municipal address of the property on which the fire will be set;
 - c. A description of the material the applicant proposes to burn;
 - d. The period of time the fire permit is valid;
 - e. The precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
 - f. The signature of the applicant;
 - g. The signature of the Fire Chief or his designate issuing the fire permit.
7. Where an emergency or a potential emergency exists, the Fire Chief or his designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any outdoor camping fire lit for cooking or warming purpose, or the discharging of fireworks within all or portions of the Village for such a period of time and on such conditions as may be determined by the Fire Chief or his designate.
8. Upon receiving notice of the suspension or cancellation of a fire or fireworks permit, the person concerned shall immediately extinguish any fire set.
9. An application for a permit to discharge Consumer fireworks shall be made to a Fire Chiefs Office in writing. The Fire Chief or his designate shall receive and consider the application and may refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.
10. An application for a permit to discharge display Fireworks shall be made to a Fire Chiefs Office in writing at least 14 days before the intended date of the fireworks display.
11. The permit application shall include all of the following information:
- a) the name, address and signature of the person or persons sponsoring the fireworks display;
 - b) the name, certification number and signature of the Fireworks Supervisor;
 - c) the name of the person that is conducting the fireworks display;
 - d) the date and time of the proposed display;
 - e) a detailed description of the proposed display;
 - f) the exact location planned for the fireworks display including a diagram of the grounds on which it will be held, showing the point from where the fireworks will be discharged, the location of all highways, railroads, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained;
 - g) written consent from the owner of the property on which the fireworks display will be held;
 - h) the manner and place of storage of all fireworks prior to, during and after the display;
 - i) the name and address of the vendor or vendors that supplied all the fireworks used in the fireworks display;

- j) proof of General Liability Insurance with coverage of at least \$5,000,000 per occurrence in a form acceptable to the Fire Chief or his designate;
 - k) any other information requested by the Fire Chief's office.
12. A permit to sell, offer for sale, store for the purpose of sale, of consumer fireworks shall be obtained from the Village and any approved permit shall be accompanied by a copy of this bylaw.
13. A fire or fireworks permit shall not be transferable.
14. Notwithstanding any provision within this Bylaw the Fire Chief or his designate may issue a fire or fireworks permit at their discretion

SECTION 5- EXEMPTIONS

1. A fire permit is not required for the following:
- a. A barbecue/fire pit that ;
 - i. Is a minimum of three (3) metres clearance from buildings, property lines and combustible materials, or as approved by the Fire Chief's Office is maintained;
 - ii. Is constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components;
 - iii. Is supervised at all times by a responsible person until such time that it has been extinguished. A fire shall be deemed to include hot ashes and smouldering embers resulting from the fire;
 - iv. Uses only wood, charcoal briquettes, propane or natural gas fuels;
 - v. Has a flame height that does not exceed Ninety (90) cm above the barbecue/fire pit;
 - b. A Portable Appliance.
 - c. A smudge fire in a non-combustible container covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimetres.
 - d. A fire within a non-combustible container provided by the Village within a designated public park where burning for cooking and warming is permitted.
 - e. An incinerator fire in a non-combustible container covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimetres as approved by the Fire Chief, or his designate.
 - f. Any industrial or commercial type incinerator that is required to be licensed under the *Alberta Environmental Protection and Enhancement Act* regulations.
 - g. Those fires that are set for the purpose of training fire fighters.

SECTION 6- OFFENCES

1. No person shall light an outdoor fire or a structure fire without a fire permit if a fire permit is required under this Bylaw.
2. No Person shall discharge, or set off any type of fireworks without a permit.

3. No person shall sell any fireworks but Consumer fireworks within Village of Wabamun
4. No person shall sell Consumer fireworks within Village of Wabamun without a permit.
5. No person shall sell Consumer recreational fireworks within the Village to any person under the age of 18 years.
6. Any person who discharges fireworks for the purposes described in this Bylaw is responsible to ensure that it is conducted in a safe manner and conducive with the Explosives Act and regulations.
7. When a fire is lit under the circumstances described in Section 5.1, or as allowed by permit, the owner or occupant of the property or the person having control of the property upon which such fire is lit shall:
 - a. Be liable to prosecution under conviction and/or costs incurred by Village of Wabamun to respond, suppress and extinguish the fire should it become uncontained or un-supervised.
8. No person shall, either directly or indirectly, personally or through an agent, servant or employee ignite a fire and let it become a running fire on any property or allow a running fire to pass from his or her own property to another property.
9. No person shall light an outdoor fire, a structure fire, an incinerator fire, smudge fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
10. No person shall place Prohibited Debris into a fire and allow it to burn.
11. No person shall light an outdoor fire, a structure fire, incinerator fire, smudge fire, barbecue/fire pit, or portable appliance not fuelled by propane or natural gas, during a Municipal or Provincial Fire Ban.
12. No person shall light an outdoor fire, a structure fire, incinerator fire, or a barbecue/fire pit fire during a Municipal or Provincial Fire Ban or let it become a running fire on any property, or allow a running fire to pass from his or her own property to another property.
13. No person shall obstruct a Peace Officer, Fire Chief or his designate, or Firefighter in the performance of their duties. Obstruction will include, but is not limited to, failure to provide access to property and failure to provide information as to identity of individuals.
14. No person shall install, operate or burn materials in an Outdoor Wood-fired Boiler (OWB) or Coal-Fired Outdoor Appliance.
15. No person shall disclose false information when applying for a fire permit.
16. No person shall allow any fire to give off a dense smoke or offensive odours.
17. No person shall burn household garbage within the Village.

18. Any person who lights a fire for the purposes described in this Bylaw is responsible to ensure that it is conducted in a safe manner
19. No person shall burn materials on any lands in Village of Wabamun where the burnable materials were transported there from another location, Municipality or Jurisdiction. This section does not pertain to wood used for approved fire pits or appliances used for cooking or warming purposes.
20. No burning or fires of any sort are allowed in areas designated as Municipal or Environmental Reserve, or in designated Restricted Burn Areas, without a permit.
21. No "Outdoor Fires" are allowed in restricted burn areas which include Multi-Parcel Subdivisions, Rural Centre Districts, and Industrial Commercial Core. Burning is permitted only in approved fire pits, incinerators, or as otherwise approved and permitted by the Fire Chief, or his designate.
22. No person shall kindle a fire or burn materials in a solid fuel appliance unless the appliance meets the clean burning regulations and emission control standards of the CSA or EPA.

SECTION 7 - PENALTIES

1. A person who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable on a conviction to a fine of not more than \$10,000.00, or to imprisonment to a term of not more than one year, or both.
2. Where a person contravenes this Bylaw, the specified penalty payable is prescribed in the Village's Master Rates & Schedule Bylaw Section 1, Appendix A.
3. 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 Procedures Act (Alberta)*, issue a violation ticket.
4. Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire, responding to a fire call or incident in the Village, or for the purpose of preserving life or property from injury or destruction by fire or other incident on property within the Village, including any action taken by the Fire Department on a false alarm, the Fire Chief or his designate and the Village CAO may, in respect of any costs incurred by the Fire Department in taking such action, charge these costs to the owner or occupant of the property in respect of which the action was taken.
5. The costs for Fire Department services rendered shall be determined by the Fire Chief or his designate and the CAO. In the event that the owner or occupant shall feel aggrieved by any action taken by the Fire Chief or his designate and the Village CAO pursuant to Section 7.4, he or she shall have a period of thirty (30) days from the date of mailing of the notice to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the property.

6. In respect of any costs or fees levied or charged under this Bylaw:
 - a. Village of Wabamun may recover such costs or fees as an amount due and owing to Village of Wabamun 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.

SECTION 10 - SEVERABILITY

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 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.

SECTION 11 - GENERAL

- 4.1 Should any provision of this Bylaw be found invalid, the invalid portion shall be severed and the remaining Bylaw shall be maintained.
- 4.2 Village of Wabamun bylaws 07-2009, 14-89, 01-90 and 36-73 are hereby repealed.
- 4.3 This Bylaw shall come into force and effect on the day of the Third and Final Reading.

READ A FIRST TIME IN COUNCIL THIS 6th DAY OF MAY, A.D. 2014.

READ A SECOND TIME IN COUNCIL THIS 6th DAY OF MAY, A.D. 2014.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 6th DAY OF MAY, A.D. 2014.

SIGNED by the Chief Elected Officer and Chief Administrative Officer this

_____ day of _____, 20__.

Chief Elected Officer

Chief Administrative Officer