

Bylaw No. 520-99

BEING A BYLAW OF THE VILLAGE OF DELIA IN THE PROVINCE OF ALBERTA TO PROHIBIT AND CONTROL OPEN BURNING WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DELIA.

WHEREAS pursuant to Section 75 of the Municipal Government Act, being Chapter M 26.1. Revised Statutes of Alberta 1998 and amendments thereto, a council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS the Council of the Village of Delia deems it proper to pass a bylaw to control and prohibit burning within the Village of Delia; and

NOW THEREFORE the Council of the Village of Delia in the Province of Alberta, pursuant to authority conferred upon it by the Municipal Government Act 1999 enacts as follows:

1. This bylaw may be cited as The Open Burning Bylaw.
2. In this bylaw:
 - (a) "Council" means the Council of the Village of Delia
 - (b) "Fire Chief" means the member appointed by Council as head of the Fire Department
 - (c) "Fire Permit" means a permit issued by the Fire Chief, his designate or Bylaw Enforcement Officer allowing for the setting of outdoor fires, structure fires or incinerator fires within the Village;
 - (d) "Non-Burnable Debris" means any inflammable debris or waste material and includes but is not restricted to:
 - i) straw, stubble, grass and/or weeds
 - ii) leaves and/or tree pruning
 - iii) solid waste from tree harvesting and/or logging operations and/or land clearing
 - iv) new and/or used utility poles and/or railroad ties
 - v) wooden and/or waste material from the construction and/or demolition of buildings and/or construction sites.
 - vi) animal cadavers and/or manure
 - vii) pathological wastes
 - viii) garbage or refuse from commercial, industrial, and/or municipal operations
 - ix) combustible material in vehicle body, tires and/or oil for combustion engines
 - x) rubber, plastic or anything containing and/or cored with rubber plastics or similar substances
 - (e) "Open Burning" means any fire of any kind whatsoever in the open air with the exception of:
 - i) natural gas, propane and/or briquette barbecues
 - ii) campstoves affixed above ground level and located in a park
 - iii) Coleman-type campstoves, kerosene or propane fired.

- (f) "Open Fire" means a fire that is not confined within a noncombustible container or structure;
- (g) "Outdoor Fire" means any fire not contained within a building or structure and shall include fires involving humus soil, piles of coal, farm produce, waste bush, grass, feed, straw, or any fire that has escaped or spread from a building, structure, machine or vehicle and any fire set for the purpose of thawing ground;
- (h) "Peace Officer" means any member of the RCMP, Bylaw Enforcement Officer or Special Constable as appointed by Council;
- (i) "Recreational Fire" means a confined fire for the purpose of cooking, obtaining warmth or viewing for pleasure. A Recreational Fire may only be fuelled with seasoned wood (not to exceed the equivalent of 15 meters in size), charcoal or propane.
- (j) "Running Fire" means any fire burning without being under the proper control of any person;
- (k) "Smudge Fire" means a fire confined within a noncombustible structure or container that is set on land of 2 acres or more in an area for the purpose of protecting livestock from insects;
- (l) "Structure Fire" means any fire confined to and within any building, structure, machine or vehicle within will or is likely to cause the destruction of or damage to such building, structure, machine or vehicle, excluding an incinerator fire;
- (m) "Village" means the Village of Delia and, where the context inquires, means the area contained within the corporate boundaries of the said municipality.

3. Powers:

- (a) The Fire Chief, his designate and/or Bylaw Enforcement Officer, may:
 - i) issue a fire permit to a person 18 years or older;
 - ii) issue a fire permit in respect of any land within the municipal boundaries of the Village of Delia
 - iii) issue a fire permit unconditionally or impose conditions upon the applicant which he considers appropriate;
 - iv) suspend or cancel at any time a fire permit and, on receiving notice of the suspension or cancellation, the person concerned shall immediately extinguish any fire set pursuant to his or her permit;
 - v) direct the operations in respect of any fire permit issued.

4. Recreational Fires:

- (a) Except as provided in Section 4(b), no permit is required to ignite, construct or otherwise create a recreational fire by or with permission of the property owner.
- (b) No person shall ignite, construct or create a recreational fire in a park unless the recreational fire occurs at a location so designated within the park or in a device or structure constructed for that purpose in the park.

5. Control of Fire Hazards

- (a) If Council finds within the 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 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 Council.
- (a) When Council finds that the order it made pursuant to Section 5(a) has not been carried out, it may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard.

6. Recovery of Costs:

- (a) Where Council or the Fire Department, acting in accordance with its operating policies, has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within or outside the Village for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside the Village, Council may, in respect of any costs incurred by the Village if Council deems the sort of such actions to be extraordinary, charge all or a portion of said costs so incurred to the owner or occupant of the land in respect of which action was taken.
- (b) Notwithstanding the authority granted to Council in Section 6(a) above, Council shall not charge the costs of fighting an accidental fire affecting the primary residence or commercial structure, including the ancillary structures of the aforementioned, on any property in the Village. This prohibition shall not preclude the charging of a portion of the costs of fighting a grass or ground fire where primary or ancillary structure is affected.
- (c) In the event that the owner or occupant of any land within or outside the Village shall feel aggrieved by any action taken by Council, pursuant to Section 6(a) of the bylaw, such owner or occupant shall have a period of 30 days from the date of mailing the notice of the action taken by Council, to appeal to Council against the action taken by Council. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and not subject to any further appeal.
- (d) In respect of the cost or fee described in Section 6(a):
 - i) in the case of action taken by Council in respect of land outside the Village, Council may recover such cost or fee as a debt due and owing to the Village; or
 - ii) in the case of action taken by Council in respect of land, within the Village where the cost or fee is not paid upon demand by the Village, then in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land.

7. Offences:

- (a) No person shall light an outdoor fire, a structure fire or an incinerator fire unless he is the holder of a subsisting fire permit if required by this bylaw.
- (b) No person shall permit an outdoor fire, a structure fire or an incinerator 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 this bylaw.
- (c) When a fire is lit under the circumstances prohibited by Section 7(a) or 7(b), the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - i) extinguish the fire immediately, or
 - ii) where he is unable to extinguish the fire immediately, report the fire to the Fire Department
- (d) 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 to the property of another.
- (e) No person shall light a permitted outdoor fire, a structure fire or an incinerator fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- (f) No person, persons or corporation shall light, ignite, start or cause to be made an open fire of non-burnable debris, or cause or permit open burning unless it is a gas fired incinerator for which a permit to construct and a license to operate have been obtained in accordance with federal and provincial legislation.
- (g) No person or persons shall, either directly or indirectly, cause to be reported a false alarm.

8. Penalties:

- (a) Any person who fails to hold a subsisting fire permit when one is required under this bylaw is guilty of an offense and is liable to a fine of \$250.00 on summary conviction.
- (b) A person who fails to comply with any provision contained in this bylaw, except for the failure to hold a subsisting fire permit which is otherwise provided for under Section 8(a) of this bylaw, is guilty of an offense and is liable on summary conviction to imprisonment to a term of not more than 6 months or a fine of not more than \$1000.00 or to both fine and imprisonment.
- (c) Any Peace Officer may enforce the provisions of this bylaw and, where that Peace Officer has reasonable grounds to believe that a person has committed a breach of any of the provisions of this bylaw, he may issue and serve upon such person a violation ticket.

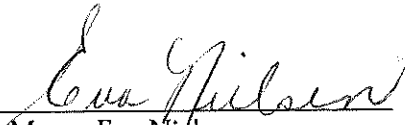
9. Bylaw No. 465-88 is hereby repealed.

10. This bylaw shall come into force in accordance with Section 75, Municipal Government Act, Revised Statutes of Alberta 1998.

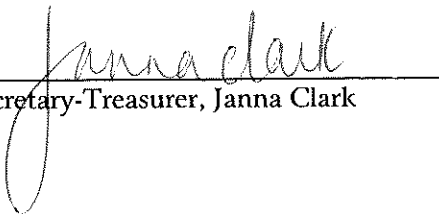
Read a first time this 10th day of May 1999.

Read a second time this 10th day of May 1999.

Presented and read a third time this 10th day of May 1999.



Mayor Eva Nielsen



Secretary-Treasurer, Janna Clark

Appendix A
Of Bylaw No. 520-99

Guidelines for Recreational Fire

1. Use ¼ inch metal mesh grate to cover the top
2. Fire pit to be constructed of non-combustible material i.e. Concrete blocks
3. Build on a noncombustible base
4. Build 10 feet from any property line or structure with no overhang
5. Burn only clean, dry wood (no garbage, garden refuse, treated or painted wood, plastics)
6. Consider neighbors when wind is blowing in the direction of their open windows
7. Keep smoke to a minimum

Appendix B
Of Bylaw No. 520-99

Burning Permit

Village of Delia
BY-LAW ENFORCEMENT OFFICE
OR FIRE CHIEF

Name of Applicant: _____

Address & Telephone Number: _____

Name and Address of Property Owner (if different from applicant): _____

Legal Description: _____

Municipal Address: _____

Type and description of material to be used for the pit: _____

Applicant Signature

Development Officer

Property Owner
(if different than applicant)

Refused _____
Granted _____

Plot a plan showing placement of the pit in relation to structures - to be attached.

Appendix C
Bylaw No.520-99

FIRE PIT CONSTRUCTION PERMIT APPLICATION

Village of Delia
Development Officer

Name of Applicant: _____

Address & Telephone Number: _____

Name & Address of Property Owner (if different from applicant): _____

Legal Description: _____

Municipal Address: _____

Type and description of material to be used for the pit: _____

Applicant Signature

Development Officer

Property Owner
(if different from applicant)

Refused ____
Granted ____

Plot a plan showing placement of the pit in relation to any structures – to be attached.