

BURNING BYLAW

Bylaw No. 13-22

Leduc County

A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE SAFE DISPOSAL OF BURNABLE DEBRIS IN THE RURAL AREA.

WHEREAS

Section 7 of the *Municipal Government Act* provides that a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

the *Forest and Prairie Protection Act*, RSA 2000 c. F-19, as amended, (the FPPA) grants certain additional powers to Leduc County including the power to appoint fire guardians, enforce the FPPA and control fires; and

the council of Leduc County wishes to provide for the prevention, regulation and control of fires within the County.

NOW THEREFORE

be it resolved that the council of Leduc County, duly assembled, hereby enacts as follows:

PART 1 - TITLE

1 Title

- 1.1 This bylaw may be cited as the "Burning Bylaw".

PART 2 - DEFINITIONS

2 Definitions

- 2.1 In this bylaw:

- (a) "*Burnable debris*" means all combustible waste other than prohibited debris and is not limited to, brush and fallen trees, wooden materials, which do not contain wood preservatives, leaves and tree pruning's, pallets and wood crating material, cardboard, waste paper;
- (b) "*Campfire*" means a fire at a campsite that provides light and warmth, and heat for cooking. The campfire shall be contained to a small area using rocks, stones and at established campgrounds a steel fire ring;
- (c) "*Council*" means the council of Leduc County;
- (d) "*County Manager*" means the chief administrative officer of the county, or their delegate;
- (e) "*Fireworks*" means consumer fireworks are low hazard and designed for recreational use and display fireworks are high hazard and designed for professional use, both are regulated by the federal *Explosives Act* and Regulations;
- (f) "*Fire advisory*" means an indication that a fire restriction or ban may be implemented if weather conditions don't improve. If a fire advisory is issued, certain restrictions may be placed on burning;

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- (g) *"Fire restriction"* means fire permits will not be issued. As well, all fire permits previously issued are suspended, as per the *Forest and Prairie Protection Act*. All open fires burning at the time the restriction comes into effect must be extinguished immediately. Certain restrictions may be placed on different types of burning;
- (h) *"Fire ban"* means fire permits will not be issued. As well, all fire permits previously issued are suspended, as per the *Forest and Prairie Protection Act*. All open fires burning at the time the restriction comes into effect must be extinguished immediately. All solid fuel outdoor burning is prohibited, the use of gas fueled barbecues, heaters and fire pits are allowed;
- (i) *"Fire chief"* means the employee of Leduc County who is appointed fire chief for the county or his/her designate;
- (j) *"Fire guardian"* means a person named or appointed as fire guardian pursuant to the FPPA and this bylaw;
- (k) *"Fire permit"* means a permit issued by the fire chief or their designate authorizing the setting of a specific type of fire;
- (l) *"FPPA"* means the Forest and Prairie Protection Act, RSA 2000 c.F-19;
- (m) *"Fire services"* means the fire department established and organized by Leduc County to provide fire protection within the boundaries of Leduc County and shall include all members and fire services property;
- (n) *"Minister"* means the Minister determined under section 16 of the *Government Organizations Act* as the Minister for the FPPA;
- (o) *"Municipal tag"* means a tag or similar document issued by the county pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the county in lieu of prosecution of the offence;
- (p) *"Open fires"* means any fire that is not contained within a fire pit, burn barrel, fireplace, barbecue or smudge fire;
- (q) *"Peace officer"* means a member of the Royal Canadian Mounted Police, and any bylaw enforcement officer or community peace officer appointed by the county to enforce county bylaws;
- (r) *"Person"* means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (s) *"Property"* means a parcel of land including any structure;
- (t) *"Prohibited debris"* means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances;

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- (u) *“Recreational fire”* means a fire confined within a non-combustible structure or container, (fire pit) which is lit for the purpose of cooking, obtaining warmth or viewing for pleasure and is fueled solely by dry wood;
- (v) *“Structure”* means any form of physical construction, whether built on site or moved in, including but not limited to any building, fence, retaining wall, scaffolding, shed portable shack, or other similar types of construction or improvements;
- (w) *“Smudge fires”* means a fire which is lit for the purpose of protecting livestock from insects using hay or straw (maximum one bale only);
- (x) *“Violation ticket”* means the same as in the *Provincial Offences Procedures Act*; and
- (y) *“Windrow pile”* means but not limited to wood, branches, tree stumps piled after clearing of land in windrows or piles for the purpose of burning.

PART 3 - FIRES AND FIRE PERMITS

3 Fire permits

- 3.1 Fire permits are required during fire season as defined in the FPPA, “The period from March 1 to October 31 in each year is the fire season” and “The Minister may at any time extend or shorten the fire season for any area in Alberta.”
- 3.2 Upon receipt of an application for a fire permit the fire chief or his/her designate may refuse a fire permit or issue a fire permit with, or without, conditions.
- 3.3 Fire permits shall include:
 - (a) the full name and contact information of the permit holder;
 - (b) the dates for which the permit is valid;
 - (c) the location where the fire may be lit; andall of which constitute terms and conditions of the fire permit.
- 3.4 Fire permits may include any further terms and conditions that the fire chief or his/her designate deems advisable for the safe conduct of the fire.
- 3.5 Fire permits are not transferable from one permit holder to another or from one location to another.
- 3.6 The permit holder who receives a fire permit under this bylaw does indemnify and save harmless Leduc County from all liability arising out of the operations authorized by their fire permit.
- 3.7 Failure to comply with the terms and conditions set out in their permit a person can be liable to pay the cost of firefighting to extinguish the fire.

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3.8 A fire permit may be suspended or cancelled at any time by the fire chief or his/her designate, fire guardian or peace officer and on receiving notice of the suspension or cancellation the person concerned shall immediately extinguish any fire set pursuant to the person's fire permit.

4 Open fires (*fire permit required*)

4.1 Any fire that is not contained within a fire pit, campfire, burn barrel, fireplace, or barbeque is considered an open fire, no open fire shall be left unattended and when the burn is completed the fire must be fully extinguished.

4.2 Debris disposal - agriculture, every person who, under authority of a fire permit, burns on farm land brush or debris resulting from land clearing or agricultural activities shall dispose of the brush or debris in a manner prescribed below:

(a) Every person preparing to burn windrow piles of brush and debris shall ensure before the fire is set that:

(i) windrow piles must not be more than 60m lengths with a 8m break between each 60m length;

(ii) the area containing the debris to be burned is completely surrounded by a guard cleared of inflammable material to a width of not less than 15m;

(iii) no windrow pile is closer than 25m to uncleared land or standing hazardous fuels;

(iv) windrow piles are separated from other parallel windrow piles by not less than 15m;

(b) Every fire must be controlled and attended by a responsible person or persons approved by the fire chief or his/her designate.

(c) The following minimum amount of equipment must be at the fire site:

(i) 1 - axe;

(ii) 2 - round mouth shovels;

(iii) 1 - water back pack and hand pump;

(iv) 1 - barrel of at least 200 litres of water; and

(v) Such other tools as may be required by the fire chief or his/her designate.

(d) No person shall set more fires at one time than can be controlled by the people and equipment immediately available.

4.3 A fire permit may be issued for burning of hay or straw bales, the number and location of bales will be the determining factor of when a permit will be issued by the fire chief or his/her designate.

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5 Controlled fires (*fire permit not required*)

- 5.1 A fire permit is not required under this bylaw for a recreational fire (fire pit) on a residential property provided that:
- (a) a minimum of 3m clearance, measured from the nearest fire pit edge is maintained from buildings, property lines or other combustible material;
 - (b) the fire pit shall be surrounded by non-combustible surface extending 1m in circumference of the fire pit;
 - (c) the fire pit height does not exceed 0.6m when measured from the surrounding grade to the top of the pit opening;
 - (d) the fire pit opening does not exceed 1m in width or in diameter when measured between the widest points or outside edge;
 - (e) the fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the fire chief;
 - (f) a spark arrestor mesh screen with openings no larger than 1.25cm and constructed of expanded metal is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazard of airborne sparks or embers; and
 - (g) prohibited debris is not to be burnt in these fire pits.
- 5.2 A fire permit is not required for a residential burn barrel provided that it meets the following specifications:
- (a) a container no larger than 210 litres and constructed of metal or other non-combustible materials;
 - (b) the burn barrel must be located on a non-combustible surface extending at least 3m from the circumference of the container;
 - (c) the burn barrel must be at least 15m from any property line, building, structure or other combustible material;
 - (d) a spark arrestor mesh screen with openings no larger than 7mm and constructed of expanded metal is used to cover the barrel opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
 - (e) prohibited debris is not to be burned in burn barrels.
- 5.3 A fire permit is not required under this bylaw for a smudge fire.
- 5.4 A fire permit is not required for flaring associated to the operation, installation, maintenance and/or repair of gas related plants, wells or gas lines.
- 5.5 A fire permit is not required for fires set for the purpose of training firefighters.
- 5.6 A fire permit is not required for enclosed wood burning or coal burning furnaces, fireplaces and/or incinerators used for heating a dwelling or structure.

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- 5.7 A fire permit is not required for any outdoor gas/propane appliances such as fire pits, heaters or barbeques.
- 5.8 A fire permit is not required for a campfire at a campsite.
- 5.9 No controlled fire shall be left unattended and when the fire is completed it must be fully extinguished.

6 Fire risk conditions

- 6.1 The fire chief in consultation with council, fire guardians and district fire chiefs, from time to time set conditions to advise, restrict or ban all fires in Leduc County, whether requiring a fire permit or not, when in the opinion of the fire chief, the prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 6.2 The condition imposed above, shall remain in force until either the date provided in the notice of the condition or until such time as the fire chief provides notice to the public the condition is no longer in effect.
- 6.3 A notice of the condition shall be provided to the public. A notice may be in the form of signs posted throughout Leduc County, in locations to be determined by the fire chief, through a public service message on the local radio stations, or by any other means which the fire chief determines is appropriate for the purpose of informing the public.

7 Prohibitions

- 7.1 No person shall light or cause to be lit any outdoor fire, or permit any outdoor fire upon land owned or occupied by them or under their control, unless the person holds a valid permit.
- 7.2 No person shall burn or cause to be burned any prohibited debris.
- 7.3 Open fires shall not be permitted in hamlets, localities or residential subdivisions.
- 7.4 Burning of grass in ditches is prohibited.
- 7.5 No person shall light a fire and let it continue to burn if that fire causes continuous physical discomfort to any nearby residents.
- 7.6 Burning in areas of peat moss or peaty soil is prohibited.
- 7.7 No person shall light a fire that obstructs or causes disruption to traffic or roadways.
- 7.8 No person shall obstruct a peace officer, fire chief or his/her designate or fire guardian in the performance of their duties pursuant to this bylaw or the FPPA.
- 7.9 During a fire restriction no person shall discharge fireworks, light or burn an open fire, burn barrel or smudge fire.
- 7.10 During a fire ban no person shall discharge fireworks, light or burn an open fire, smudge fire, recreational fire, campfire or burn barrel.
- 7.11 No person shall light or burn a structure without a fire permit; prior to burning the structure it will be knocked to the ground and moved to a safe burning location so as not to cause an undue fire risk to other structures or forested areas. Asphalt shingles, electrical wiring, insulation and any other prohibited debris must be removed prior to burning.

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7.12 No person shall leave any fire unattended.

PART 4 - ENFORCEMENT

8 Offences and penalties

- 8.1 A person who contravenes any provision of the bylaw is guilty of an offence.
- 8.2 A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A" and not exceeding \$10,000.00.
- 8.3 Without restricting the generality of section 8.2, the fine amounts set out in Schedule "A" are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered.
- 8.4 A peace officer is hereby authorized and empowered to issue a municipal tag to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 8.5 A municipal tag shall be served:
- (a) either personally; or
 - (b) by mailing a copy via registered mail to such person at their last known postal address.
- 8.6 A municipal tag shall be in a form approved by the county manager and shall state:
- (a) the name of the person;
 - (b) a description of the property upon which the offence has been committed, if applicable;
 - (c) the offence;
 - (d) the specific penalty established by this bylaw for the offence;
 - (e) that the penalty shall be paid within 30 days of the issuance of the municipal tag; and
 - (f) any other information as may be required by the county manager.
- 8.7 Where a municipal tag is issued pursuant to this bylaw, the person to whom the municipal tag is issued may, in lieu of being prosecuted for the offence, pay to the county the penalty specified within the time period indicated on the municipal tag.
- 8.8 If a municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, then the peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedures Act*.
- 8.9 Notwithstanding Section 8.7, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedures Act* to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 8.10 If a violation ticket is issued in respect of an offence, the violation ticket may:

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- (a) state the specified penalty for the offence as set out in Schedule A herein; or
- (b) require a person to appear in court without the alternative of making a voluntary payment

8.11 A person who commits an offence may:

- (a) if a violation ticket is issued in respect of the offence; and
- (b) if the violation ticket specifies the fine amount established by this bylaw for the offence,

make a voluntary payment by submitting to a clerk of the provincial court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

8.12 When a clerk of the provincial court records the receipt of a voluntary payment pursuant to Section 8.11 and the *Provincial Offences Procedures Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

8.13 Nothing in this bylaw shall be construed to limit or hinder the ability of the county to issue an order pursuant to Sections 545, 546 or 645 of the *Municipal Government Act*.

9 Severability

9.1 Each provision of this bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

10 Strict liability offence

10.1 It is the intention of council that all offences created by this bylaw be interpreted to be strict liability offences.

PART 5 - DELEGATION OF POWERS

11 County manager

11.1 Without restricting any other power, duty or function granted by this bylaw, the county manager may:

- (a) carry out any inspections to determine compliance with this bylaw;
- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms for the purposes of this bylaw;
- (e) refuse to issue a fire permit, or issue a fire permit with or without terms and conditions as the county manager deems appropriate, acting reasonably; and
- (f) delegate any powers, duties or functions under this bylaw to an employee of the county.

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PART 6 - TRANSITIONAL

12 Bylaw precedence

12.1 This bylaw supersedes and takes precedence over all previously passed bylaws that refer to burnable debris in the rural areas, as well as any previously passed resolutions that may be in conflict with this bylaw.

13 Enactment

13.1 This bylaw shall come into force and effect upon receiving third and final reading and signature thereof.

Read a first time this 10th day of May, 2022.

Read a second time this 10th day of May, A.D. 2022.

Read a third time with the unanimous consent of the council members present and finally passed this 10th day of May, 2022.



MAYOR



COUNTY MANAGER

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Schedule "A"

Section	Offence	Specified Penalty
7.1	No person shall light or cause to be lit any outdoor fire, or permit any outdoor fire upon the land owned or occupied by them or under their control, unless the person holds a valid permit.	\$500.00
7.2	No person shall burn or cause to be burned any prohibited debris.	\$500.00
7.3	Open fires shall not be permitted in hamlets, localities or residential subdivisions.	\$500.00
7.4	Burning of grass in ditches is prohibited.	\$500.00
7.5	No person shall light a fire and let it continue to burn if that fire causes continuous physical discomfort to any nearby residents.	\$500.00
7.6	Burning in areas of peat moss or peaty soil is prohibited.	\$500.00
7.7	No person shall light a fire that obstruct or causes disruption to traffic or roadways.	\$500.00
7.8	No person shall obstruct a peace officer, fire chief or fire guardian in the performance of their duties pursuant to this bylaw or the FPPA.	\$1,000.00
7.9	During a fire restriction no person shall discharge fireworks, light or burn an open fire burn barrel or smudge fire.	\$500.00
7.10	During a fire ban no person shall discharge fireworks, light or burn an open fire, smudge fire, recreational fire, campfire or burn barrel.	\$500.00
7.11	No person shall light or burn a structure without a fire permit, prior to burning the structure it will be knocked to the ground and moved to a safe burning location so as not to cause undue fire risk to other structures or forested areas. The asphalt shingles, electrical wiring, insulation and any other prohibited debris must be removed prior to burning.	\$500.00
7.12	No person shall leave any fire unattended.	\$500.00
5.1	Recreational fire that does not conform to the bylaw requirements.	\$500.00
5.2	Use of a residential burn barrel that does not meet the specification of this bylaw.	\$500.00
4.1(d)	No person shall set more fires at one time that can be controlled by the people and equipment immediately available.	\$500.00

Note: The specified penalty shall not exceed \$10,000.00 and any reoccurrence the specified penalty shall double.