

SUMMER VILLAGE OF BIRCH COVE

BYLAW NO. 123-13

OPEN AIR FIRE BYLAW

WHEREAS the Municipal Government Act, provides that a Council of a Municipality may pass by-laws for the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

NOW THEREFORE the Council of the Summer Village of Birch Cove of the Province of Alberta, duly assembled enacts as follows:

PART 1 DEFINITIONS

1) In this Bylaw:

- a) “**Acceptable Fire Pit**” means an outdoor receptacle that meets the following specifications:
 - i) a minimum of 3 metres clearance, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible material;
 - ii) the fire pit height does not exceed .6 metres when measured from the surrounding grade to the top of the pit opening;
 - iii) the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges;
 - iv) it has a spark arrestor mesh screen of 8 – 16 mm expanded metal (or equivalent) to contain sparks over the fire at all times;
 - v) 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; and,
- a) “**Burnable Materials**” means materials other than Prohibited Debris burned in accordance with all applicable statutes and bylaws including but not limited to materials such as:
 - i) wooden materials which do not contain paint or wood preservatives;
 - ii) straw and stubble;
 - iii) grass and weeds;
 - iv) leaves and tree prunings;
 - v) brush and trees;
 - vi) wooden material from the construction or demolition of buildings which does not contain paint or wood preservatives;
- b) “**Summer Village**” means the Summer Village of Birch Cove.

- c) “**Fire Department**” means the Fire Department as established and organized for the Village pursuant to the provisions of Bylaw 123-94.
- d) “**Fire Chief**” means the Manager of the Fire Department for the Summer Village of Birch Cove who performs the duties and responsibilities of a General Manager/Fire Chief, or his delegate.
- e) “**Portable Barbecuing Appliance**” means any appliance sold or constructed for the purpose of cooking food outdoors, normally fueled by liquefied petroleum gas (LPG), natural gas, compressed briquettes or charcoal.
- f) “**Prohibited Debris**” means any inflammable waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances as defined in any applicable statutes and bylaws including but not limited to:
 - i) animal cadavers;
 - ii) animal manure;
 - iii) pathological waste;
 - iv) non-wooden material;
 - v) tires;
 - vi) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances;
 - vii) used oil;
 - viii) wood or wood products containing substances for the purpose of preserving wood; and,
 - ix) household refuse.

PART 2 OPEN AIR FIRES PROHIBITED

- 1) No person shall permit an open air fire or any other fire upon land owned, occupied, or under his or her control within the Village except as follows;
 - a) the cooking of food using a Portable Barbecuing Appliance;
 - b) recreational burning or the cooking of food in Acceptable Fire Pits provided:
 - i) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit;
 - ii) the fire pit is not used to burn Prohibited Debris;
 - iii) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs; and
 - iv) a responsible adult is present on the property when the fire is burning;

- c) No person shall permit an open air fire or any other fire upon land owned, occupied, or under his or her control within the Village, except in a Portable Barbecuing Appliance, when a Fire Ban is in effect in the Village.

PART 4 OFFENSES AND PENALTIES

- 1) Where a person contravenes any provision of this Bylaw, then the owner of the property on which the contravention occurred, is guilty of an offense and upon issuance of a ticket shall pay a fine of \$500.00.
- 2) Where a person causes a fire beyond their control which causes any resulting emergency, then the owner of the property on which the emergency originated, shall be liable to pay all costs of all Emergency Response Service Providers incurred, and the Village shall be able to recover from such property owner all such costs, as a debt owing to the municipality.
- 3) This Bylaw shall come into force upon receiving third reading.
- 4) This Bylaw repeals Bylaw #63

Read a first time this 13th day of September, 2013.

Read a second time this 13th day of September, 2013.

Read a third time and duly passed this 13th day of September, 2013.

signed this 13th day of September, 2013.

Mayor Eugene Dugan

Municipal Administrator Dennis Evans