

BYLAW NO. 171-2025
SUMMER VILLAGE OF BIRCH COVE

BEING A BYLAW OF THE SUMMER VILLAGE OF BIRCH COVE TO ESTABLISH FIRE SERVICES, TO REGULATE THE PREVENTION AND CONTROL OF FIRES, TO REGULATE FIREWORKS, AND TO AUTHORIZE THE RECOVERY OF FIRE RELATED FEES, EXPENSES, AND CHARGES

WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended, authorizes a council to pass Bylaws for municipal purposes respecting the following matters:

- A. The safety, health, and welfare of people and the protection of people and property;
- B. Services provided by or on behalf of the municipality; and
- C. The enforcement of Bylaws;

AND WHEREAS the *Municipal Government Act*, RSA 2000, c M-26, as amended, provides that a Council may, pursuant to a Bylaw, make the owner of a parcel of land liable for the costs and expenses incurred by the municipality in extinguishing fires, and add unpaid costs and expenses for extinguishing fires to the tax roll for that parcel of land;

AND WHEREAS the Council of the Summer Village of Birch Cove, pursuant to the powers and responsibilities granted to it pursuant to the *Municipal Government Act* and the *Forest and Prairie Protection Act*, wishes to provide for the prevention, regulation and control of the lighting of fires, and the setting off of fireworks, within the Summer Village of Birch Cove and for the preservation of life and property from damage or destruction by fire or fireworks on the terms hereinafter provided;

AND WHEREAS the Council of the Summer Village of Birch Cove wishes to establish fire services within the Summer Village of Birch Cove and for the efficient operation of such services;

NOW THEREFORE the Municipal Council of the Summer Village of Birch Cove, duly assembled, hereby **ENACTS AS FOLLOWS:**

PART 1 SHORT TITLE

1 This Bylaw may be cited as the “Fire Bylaw.”

PART 2 DEFINITIONS

2 In this Bylaw, unless the context otherwise requires:

- (a) “Acceptable Fireplace” means an outdoor receptacle that meets the following specifications:
 - (i) a minimum of one (1.00) meter clearance is maintained from any building, property line, or other combustible materials when measured from the nearest edge of the fireplace;
 - (ii) is constructed of materials such as bricks, concrete, or rocks, that are non-combustible;
 - (iii) is equipped with a chimney that is not less than 2.50 meters in height when measured from the base of the fire burning area;
 - (iv) the chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
 - (v) the base of the Fire burning area is not less than 0.30 meters above the surrounding grade; and
 - (vi) the fire chamber does not exceed 1.25 meters in width and is at least 0.40 meters, but not more than 0.60 meters, in depth.
- (b) “Acceptable Fire Pit” means an outdoor receptacle (fire/barbeque pit) that meets the following specifications:
 - (i) a minimum of three (3.00) meters clearance is maintained from any building, property line, or other combustible material when measured from the nearest edge of the fire pit;
 - (ii) the fire pit is placed on non-combustible materials such as rock, sand, mineral soil, gravel, or concrete and the ground surrounding it outward from its base to a distance of three (3.00) meters be comprised of clean mineral soil, rock, sand, gravel, or concrete;
 - (iii) the fire pit is constructed of bricks, concrete blocks, heavy gauge metal, or other suitable non-combustible materials components;
 - (iv) a spark arrestor mesh screen with openings no larger than six (6.00) mm that is constructed of expanded metal (or equivalent material) is used to cover the fire pit opening in a manner sufficient to contain sparks over the fire at all times;
 - (v) is supervised at all times by a responsible person until such time as the Fire has been fully extinguished. For certainty, a Fire shall be deemed to include hot ashes and smoldering embers resulting from the Fire;
 - (vi) is not located over any underground utilities or under above-ground wires;

- (vii) shall only burn wood, charcoal briquettes, propane or natural gas as fuel; and
- (viii) shall have a flame height that does not exceed 0.90 meters above the fire pit.
- (c) “Act” means the *Municipal Government Act*, R.S.A. 2000, c M-26.
- (d) “Alberta Fire Code” means the most current version of the fire safety regulations adopted by the Province of Alberta under the *Safety Codes Act*, RSA 2000, c S-1, currently being the *National Fire Code – 2019 Alberta Edition*.
- (e) “Apparatus” means any vehicle provided with machinery or Equipment for firefighting operated by or for the Fire Department, whether that vehicle operates on land, in the air, or on water.
- (f) “Approval” means an approval in writing issued by the Summer Village in consultation with the Fire Chief authorizing the setting of a specific type of Fire within the Summer Village, or authorizing the setting off of Fireworks on Summer Village property, which may include conditions.
- (g) “Burn Barrel” means a metal drum or other similar receptacle transformed and modified to dispose of combustible trash, waste, and other materials by incineration.
- (h) “Burnable Debris” has the meaning defined in the Substance Release Regulation 124/1993 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (i) “Burning Hazard” means an actual or potential occurrence of Fire or other combustion of organic or inorganic material that could endanger human life or damage property.
- (j) “CAO” means the Chief Administrative Officer of the Summer Village, or their delegate.
- (k) “Council” means the duly elected municipal council for the Summer Village of Birch Cove.
- (l) “CSA” means Canadian Standards Association.
- (m) “Dangerous Goods” has the meaning defined in the *Dangerous Goods Transportation and Handling Act*, RSA 2000, c D-4 except that it shall not include gasoline or diesel for residential use in quantities in accordance with the National Fire Code – Alberta Edition under the *Safety Codes Act*, RSA 2000, c S-1.
- (n) “Enforcement Officer” means any of the following:
 - (i) a Bylaw Enforcement Officer appointed or employed or otherwise contracted by the Summer Village;
 - (ii) a Community Peace Officer appointed or employed or otherwise contracted by the Summer Village; or
 - (iii) a member of the Royal Canadian Mounted Police.

- (o) “Equipment” means any tools, devices, materials, or supplies used by or for the Fire Department to respond to an Incident or other emergency.
- (p) “False Alarm” means any notification, by whatever means received, to the Fire Department respecting the existence of a condition, circumstance, Fire, Burning Hazard, Fire Hazard, or other event containing an imminent, serious danger to Persons or property, where such condition, circumstance, Fire, or other event does not, in fact, exist.
- (q) “Fire” means combustion or burning, in which substances chemically combine with oxygen from the air and typically give out bright light, heat, and Smoke.
- (r) “Fire Advisory” and “Fire Restriction” mean notices issued pursuant to this Bylaw for the purposes of Fire prevention where the Fire danger risk has increased, and where the Summer Village prohibits the use of Fireworks and may place additional restrictions and/or certain prohibitions on Fires or other activities.
- (s) “Fire Ban” means any Fire ban, whether municipally or provincially declared, that prohibits Fires in all, or part, of the Summer Village.
- (t) “Fire Chief” means the Person designated by the Summer Village as the Fire Chief, or their delegate.
- (u) “Fire Department” means the entity established by Section 3 of this Bylaw, whether by contracting Fire Services from another municipality or other service provider and includes any Member of such Fire Department.
- (v) “Fire Department Property” means all real and personal property owned or controlled by the Fire Department and designated for use by the Fire Department including, but not limited to, Apparatus and Equipment.
- (w) “Fire Hazard” means combustible material that, through its nature, location, or condition, or arrangement, or any combination of those factors, may be ignited and, if ignited, could create a Burning Hazard.
- (x) “Fire Services” means any and all of the services listed in Section 3 of this Bylaw and includes any other service delivered by or for the Fire Department that is authorized by Council.
- (y) “Fire Service Charges” means:
 - (i) all rates, fees, costs, and charges payable for, or in connection with, the provision of Fire Services which are incurred by the Summer Village including, without limitation, responding to False Alarms;
 - (ii) the Summer Village’s actual costs for any extraordinary services required or incurred which are beyond normal Fire Services operations such as, without limitation, HAZMAT, additional Equipment, mutual aid from a reciprocating municipality, supplies, vac truck, and site or scene security; and

- (iii) an administrative fee of five percent (5.00%) calculated on the total of (i) and (ii) above.
- (z) “Fireworks” means the pyrotechnics classified as fireworks pursuant to the *Explosives Act*, RSC 1985, c E-17, and its regulations, including consumer fireworks, display fireworks, and special effect pyrotechnics.
- (aa) “Incident” means a Fire, Burning Hazard, Fire Hazard, or medical situation where a Fire or explosion is imminent, or any other situation presenting danger or possible danger to life, property, or the environment, and to which the Fire Department has responded or may respond
- (bb) “Incinerator” means an apparatus for burning waste material until it is reduced to ash.
- (cc) “Member” means any Person who is duly appointed a member of the Fire Department and includes the Fire Chief, Deputy Fire Chief, and firefighters that are full-time, casual, or on-call, or paid or volunteer.
- (dd) “Municipal Tag” means a ticket alleging an offence issued pursuant to a Bylaw of the Summer Village and providing a Person with the opportunity to pay a fine amount to the Summer Village in lieu of prosecution for the offence.
- (ee) “Obnoxious Odour” means an extremely unpleasant smell which may or may not expose a Person to the harmful chemicals in the products of incomplete combustion.
- (ff) “Occupant” means any person other than the registered owner who is in possession of Property including, but not limited to, a lessee, licensee, tenant, or agent of the Owner.
- (gg) “Off-Highway Vehicle” has the meaning defined in the *Traffic Safety Act*, RSA 2000, C T-6.
- (hh) “Open Fire” includes grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires, and chattel fires;
- (ii) “Outdoor Fire” means any fire outside of an Acceptable Fireplace, or Acceptable Fire Pit, and includes, but is not limited to, the following:
 - (i) Fires involving humus, wood, soil, farm produce, bush, grass, feed, straw, or coal;
 - (ii) any Fire that has escaped or spread from a building, structure, machine, or vehicle;
 - (iii) a Burn Barrel Fire;
 - (iv) Fires in outdoor ovens, carbon ovens, or home-built wood burners;
 - (v) Fires in Chimeneas;
 - (vi) Tiki torches; or
 - (vii) Random (back-country-style) Fires.
- (jj) “Owner” includes:

- (i) the Person listed on title as the registered owner of Property at the Land Titles Office;
 - (ii) the Person recorded as the owner of the Property on the municipal assessment roll;
 - (iii) a Person who has purchased or otherwise acquired the Property and has not become the registered owner thereof;
 - (iv) a Person controlling the Property under construction; and
 - (v) an Occupant.
- (kk) “Peace Officer” means a person appointed as a Peace Officer under the *Peace Officer Act*, S.A. 2006, c P-4, as amended.
- (ll) “Person” includes any individual, firm, partnership, association, corporation, society, or other legal entity.
- (mm) “Portable Appliance” means any appliance sold or constructed for the purpose of cooking food or for the provision of heat in the out-of-doors which does not create sparks and that has been subjected to CSA approval.
- (nn) “Prohibited Debris” has the meaning defined in the Substance Release Regulation 124/1993 under the *Environmental Protection and Enhancement Act*, RSA 2000, c E-12.
- (oo) “Property” means any real or personal property.
- (pp) “Recreational Fire” means a fire which is lit for the purposes of cooking, obtaining warmth, or viewing and pleasure and is fueled solely by dry wood, charcoal, natural gas, or propane.
- (qq) “Running Fire” means a fire burning without being under the control of any Person.
- (rr) “Smoke” means the suspension of airborne particulates and gases emitted when a material undergoes combustion or pyrolysis together with the quantity of air that is entrained or otherwise mixed into the mass.
- (ss) “Structure Fire” means a fire confined to and within a building, structure, machine, or vehicle which will, or is likely to, cause the destruction of the building, structure, machine or vehicle.
- (tt) “Summer Village” means the Summer Village of Birch Cove.
- (uu) “Summer Village Property” means any property owned by, or under the control of, the Summer Village including, but not limited to, parks and roads.
- (vv) “Violation Ticket” has the same meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34.

PART 3 ESTABLISHMENT AND PURPOSE OF THE FIRE DEPARTMENT

3 The Fire Department is established for the purposes of:

- (a) Preserving life, property, and the environment, and protecting Persons and property from injury or destruction by Fire in, without limitation, Structural Fire, Open Fire, Outdoor Fire, industrial, vehicle, and wildland Fire situations with Fire Services that include, but are not limited to, the following, all in accordance with the policies and procedures of the Summer Village and all applicable legislation:
 - (i) responding to Incidents;
 - (ii) preventing and extinguishing Fires;
 - (iii) providing motor vehicle extrication within the scope of the Equipment and Member training capability;
 - (iv) providing, or supporting, medical response;
 - (v) providing rescue services within the scope of the Equipment and Member training capability;
 - (vi) carrying out preventative patrols, conducting pre-fire planning, and assisting with fire inspections and investigations;
 - (vii) assisting with emergency management;
 - (viii) administering or assisting with Approvals;
 - (ix) fulfilling the requirements of any mutual aid agreements with other municipalities; and
 - (x) otherwise providing emergency services as required to promote community safety.

PART 4 AUTHORITY OF THE FIRE CHIEF AND FIRE DEPARTMENT

4 The Fire Chief and Fire Department authorities are hereby established.

The Fire Chief and the Fire Department are responsible for the development of rules, regulations, and policies for the ongoing organization and administration of Fire Services.

5 The Fire Chief and the Fire Department are empowered to:

- (a) cause a building, structure, or thing to be pulled down, demolished, or otherwise removed if they deem it necessary to prevent the spread of Fire to other buildings, structures, or things; and
- (b) cause the Fire Department to enter on any land or premises, including adjacent lands or premises, to combat, control or otherwise deal with a Fire or Incident in whatever manner the Fire Chief and Fire Department deem necessary.

6 The Fire Chief and Fire Department may obtain assistance from other Summer Village officials for the purpose of assisting with fire investigations, to facilitate inspections, or as otherwise required to fulfill their duties and responsibilities under this Bylaw.

PART 5 PERMITTED AND PROHIBITED FIRES

7 No Person shall light, permit to be lit, or cause, any Fire upon land of which they are the Owner, occupier, or which is under their control, unless the Person has obtained an Approval pursuant to this Bylaw or the Fire is otherwise exempt from the requirement for such an Approval under this Bylaw.

8 No Person shall burn or cause to be burned any Prohibited Debris.

9 No Person shall use coal, straw, or used oil as a heat source for a residence within the Summer Village.

10 No Person shall use coal, straw, or other combustible material, for ground thawing or other temporary heating conditions.

11 No Person shall use a Burn Barrel, or any other form of Incinerator, for incineration within the Summer Village.

12 No Person shall allow a Fire to create dense Smoke or an Obnoxious Odour that creates a risk to public safety or a nuisance.

13 No Person shall allow a Fire, whether or not an Approval was obtained for the Fire, or the Fire did not require an Approval under this Bylaw, to become a Running Fire.

14 No Person shall light a Fire, whether or not an Approval was obtained for the Fire, or the Fire does not require an Approval under this Bylaw, without taking sufficient precautions to ensure that the Fire is kept under control at all times.

15 No Person shall deposit, discard, or leave any burning matter or substance where it might create a Fire Hazard.

16 An Approval is not required for:

- (a) a Recreational Fire within an Acceptable Recreational Fire Pit or Acceptable Fireplace that is used for cooking, warmth or personal enjoyment, that is located on a residential parcel only;
- (b) the use of a Canadian Standards Association (CSA) certified barbeque or Portable Appliance, that is located on a residential parcel only;
- (c) any fire table, pit, or other heating device which uses propane or natural gas, that is located on a residential parcel only; or

provided that:

- (d) a means, acceptable to the Fire Chief, of controlling or extinguishing the Fire is available on the property and within a reasonable distance from where the Fire occurs;

- (e) the Fire is kept under control and is always supervised by a responsible adult Person until such time as the Fire has been completely extinguished;
- (f) flame height does not exceed one (1.00) meter above the structure or container; and
- (g) the Fire is not used to burn Prohibited Debris.

17 This Bylaw does not apply to a Fire lit by the Fire Department for training or preventative control purposes.

PART 6 FALSE ALARMS

18 If in any 12-month period, the Fire Department is requested to respond to the same property more than one time for a False Alarm, the process will be as follows:

- (a) first response – education on False Alarms; and
- (b) second and subsequence responses – recovery of Fire Services Charges in accordance with this Bylaw.

PART 7 APPROVALS

19 An application for an Approval shall be submitted to the CAO in writing and there is no specific form required for such application.

20 No Person shall provide false or misleading information on an application for an Approval.

21 The Summer Village may, in their discretion, either refuse to issue an Approval or issue an Approval with or without conditions.

22 An Approval is valid only for the time expressly indicated in the Approval

23 The Fire Chief or the CAO may, in their discretion, terminate, cancel, or suspend an Approval at any time.

24 Upon receipt of notice of termination, suspension, or cancellation, of an Approval for a Fire, the holder of the Approval shall immediately extinguish any Fire set pursuant to the Approval.

25 Upon receipt of notice of termination, suspension, or cancellation, of an Approval for the setting off of Fireworks on Summer Village Property, the holder of the Approval shall immediately cease the discharge, firing, or setting off of Fireworks.

26 An Approval is not transferable.

27 Any Person to whom an Approval has been issued, and any Person involved in the lighting, supervision, or maintenance of a Fire set pursuant to an Approval, shall comply with all the terms and conditions of the Approval.

28 Any Person to whom an Approval has been issued for the setting off of Fireworks on Summer Village Property, and any Person involved in the discharging, firing, or setting off of Fireworks on Summer Village Property, shall comply with all the terms and conditions of the Approval.

29 Every Person who sets a Fire pursuant to an Approval shall:

- (a) produce and show the Approval to the Fire Chief, Member, or an Enforcement Officer upon request;
- (b) keep the Fire at the site of the Fire approved in the Approval; and
- (c) be responsible for any costs incurred by the Fire Department when called upon to extinguish such Fire if, in the opinion of the Fire Chief, the Fire is a hazard to Persons or property, or if the Fire is in contravention of the conditions attached to the Approval.

PART 8 FIRE ADVISORIES, FIRE RESTRICTIONS, AND FIRE BANS

30 When the CAO determines that the prevailing environmental conditions may give rise to an increased risk of Fire, or increased risk of a Fire running out of control, the CAO may, from time to time:

- (a) limit Fires and prohibit the use of Fireworks within the Summer Village through a Fire Advisory or Fire Restriction; or
- (b) prohibit all Fires and prohibit the use of Fireworks within the Summer Village under a complete Fire Ban.

31 A Fire Advisory, Fire Restriction, or municipally issued Fire Ban may be amended by the CAO or Council.

Fire Advisories

32 When a Fire Advisory is in place, no new Approvals will be issued, and existing Approvals may be suspended or cancelled.

33 When a Fire Advisory is in place:

- (a) No Person shall discharge, fire or set off Fireworks;
- (b) No Person shall light, permit to be lit, or cause, a Fire on Property that they are the Owner or occupier of except for:
 - (i) a Recreational Fire contained entirely within an Acceptable Fire Pit, Acceptable Fireplace, or Portable Appliance;
 - (ii) a Fire lit pursuant to an Approval which has not been suspended or cancelled.

Fire Restrictions

34 When a Fire Restriction is in place, Approvals will not be issued, and all Approvals are cancelled.

35 When a Fire Restriction is in place:

- (a) No Person shall discharge, fire or set off Fireworks;
- (b) No Person shall light, permit to be lit, or cause, a Fire on Property that they are the Owner or occupier of except for
 - (i) A Recreational Fire contained entirely within an Acceptable Fire Pit, or Acceptable Fireplace, or Portable Appliance; or
 - (ii) A Portable Appliance.

Fire Bans

36 A Fire Ban imposed pursuant to this Bylaw shall remain in force until either the date and time provided in the notice of Fire Ban, as amended if applicable, or until such time as the CAO or Council provides notice to the public that the Fire Ban is no longer in effect.

37 When a Fire Ban is in place, Approvals will not be issued, and all Approvals are cancelled.

38 When a Fire Ban is in place:

- (a) No Person shall operate an All Terrain Vehicle or Off-Highway Vehicle within the Summer Village with the exception of travelling on gravel or paved roads only, no off-roading permitted;
- (b) No Person shall discharge, fire or set off Fireworks.
- (c) No Person shall light, permit to be lit, or cause, a Fire on Property that they are the Owner or occupier of, regardless of whether the Person is the holder of an Approval, and any such Person shall immediately extinguish any Fire that has been lit once the Person knows, or ought reasonable to have known, of the Fire Ban; and
- (d) A Person may, subject to the requirements of this Bylaw and unless the Fire Ban provides otherwise, use a Portable Appliance for cooking or heating purposes that burns propane or natural gas.

PART 9 FIREWORKS

39 All Fireworks sold, stored, handled or discharged in the Summer Village must comply with the *Explosives Act*, Natural Resources Canada Explosives Regulations, National Fire Code and National Building Codes, Alberta Editions, all other applicable federal, provincial, and municipal legislation, regulations, and Bylaws, and be used in accordance with the manufacturer's recommendations and instructions.

40 No Person shall set off Fireworks on Summer Village Property without an Approval. An Approval is not required to set off consumer Fireworks on private Property.

41 Every Person who sets off Fireworks pursuant to an Approval for the setting off of Fireworks on Summer Village Property shall:

- (a) produce and show the Approval to the Fire Chief, Member, or an Enforcement Officer upon request;

- (b) only discharge, fire, or set off the Fireworks at the site approved in the Approval; and
- (c) be responsible for any costs incurred by the Fire Department when called upon to extinguish a Fire created by the use of the Fireworks.

PART 10 DANGEROUS GOODS

42 The Owner of any property or conveyance containing Dangerous Goods which sustains an accidental or unplanned release of Dangerous Goods within the Summer Village must immediately report the incident to the Fire Department.

43 Dangerous Goods shall not be transported through the Summer Village without proper identification and strict adherence to all Federal, Provincial, and municipal regulations and standards.

44 Dangerous Goods shall not be stored, transported, used, or released in residential areas of the Summer Village.

45 Flammable liquids and combustible liquids for residential use which are stored in quantities in accordance with the *Safety Codes Act*, RSA c S-1, as amended, shall not be classified as Dangerous Goods for the purposes of this Bylaw.

PART 11 REPORTING

46 The Owner of any property damaged by Fire shall immediately report to the Fire Department the particulars of the Fire in a manner and detail satisfactory to the Fire Chief.

47 Where a Fire is lit or ignited without an Approval, unless the Fire is a Fire which does not require an Approval, the Person having control of such Fire shall:

- (a) extinguish the Fire immediately; or
- (b) where they are unable to extinguish the Fire immediately, report the Fire by calling 9-1-1.

PART 12 FIRE SERVICES CHARGES

48 Upon the Fire Department, or a reciprocating municipality under a mutual aid agreement, providing a response to a parcel of land, building, or residence, the Summer Village may, in its discretion, recover Fire Services Charges associated with the response to any or all of the following Persons:

- (a) the Person or Persons who requested the response;
- (b) the Person or Persons causing or contributing to a Fire or Incident;
- (c) the occupant of the parcel of land or residence on which the response was provided;
- (d) the Owner of the parcel of land or residence on which the response was provided;

- (e) the Person or Persons with control over the parcel of land or residence on which the response was provided, which may include, without limitation, a property manager; or
- (f) the Person in possession or control of the property that is the subject of the Fire or Incident if the Fire or Incident did not occur on private property.

49 All Persons charged for Fire Services Charges are jointly and severally liable to the Summer Village for payment of such Fire Services Charges.

50 Fire Services Charges shall be paid within thirty (30) days of receipt of an invoice.

51 Collection of unpaid Fire Services Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Summer Village is entitled to on the parcel of land in respect of which the indebtedness is incurred.

52 Without limiting the generality of section 51, the Owner of a parcel of land within the Summer Village to which Fire Services are provided is liable for Fire Services Charges incurred and the Summer Village may add to the tax roll of the parcel of land all unpaid Fire Services Charges, which shall form a special lien against the parcel of Land in favour of the Summer Village from the date that the amount was added to the tax roll in accordance with the Act.

53 A Person who has damaged or destroyed any Apparatus, Equipment or Fire Department Property shall, in addition to any penalty imposed in this Bylaw, be liable for and pay upon demand, all costs incurred by the Summer Village or the Fire Department, as applicable to repair or replace the Apparatus, Equipment, or Fire Department Property in question.

PART 13 INSPECTIONS AND ENFORCEMENT

54 Where a parcel of land, property, residence, business, commercial property, or any other property does not comply with this Bylaw, or a Person contravenes this Bylaw, the Summer Village may pursue its enforcement alternatives in accordance with this Bylaw, any enactment or common law right, including issuing an order to remedy contraventions or dangers, remedying contraventions or dangers by the Summer Village, adding amounts to tax rolls, and pursuing injunctions under the Act.

55 No Person shall interfere with or obstruct an Enforcement Officer, the Fire Chief, or the Fire Department in the exercise of their powers and duties under this Bylaw.

56 No Person shall provide false or misleading information to any Enforcement Officer, the Fire Chief, or the Fire Department

57 No Person shall falsely represent themselves to be a Member of the Fire Department, or wear or display any uniform, badge, cap, button, insignia, or other paraphernalia for the purposes of such false representation.

58 No Person shall damage or destroy any Fire Department property.

PART 14 CORPORATIONS AND PARTNERSHIPS

59 Where a corporation commits an offence under this Bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence, or assented to or acquiesced or participated in the act of omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

60 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence, is guilty of the offence.

PART 15 VICARIOUS LIABILITY

61 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent exercising the powers or performing the duties on behalf of the Person under their agency relationship.

PART 16 OFFENCES AND PENALTIES

62 A Person who contravenes this Bylaw by:

- (a) doing any act or thing which the Person is prohibited from doing; or
- (b) failing to do any act or thing the Person is required to do,

is guilty of an offence.

63 Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction, to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months, or both.

64 Where there is a specified penalty listed for the offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.

65 Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.

66 Where an Enforcement Officer believes that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against the Person by issuing a Municipal Tag or a Violation Ticket.

67 If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established for the offence.

68 A Person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount specified for the offence and, if the amount is paid on or before the required date, the Person will not be prosecuted for the offence.

69 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.

70 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount established in this Bylaw for the offence; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

71 A Person who commits an offence may, if a Violation Ticket is issued in respect of the offence and the Violation Ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine.

72 The levying and payment of any fine or the imprisonment of any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges, or costs for which that Person is liable under the provisions of this Bylaw or any other Bylaw.

73 The Summer Village may exercise discretion in the application of this Bylaw and its contents as defined in section 529 of the Act.

74 An Enforcement Officer may use discretion, mediation, or provide education and increased awareness as an alternative to issuing Municipal Tags or Violation Tickets.

PART 17 INTERPRETATION

75 In this Bylaw, a citation or reference to any act or regulation of the Province of Alberta or of Canada, or of any other Bylaw of the Summer Village is a citation of or reference to that act, regulation, or Bylaw, as amended, whether amended before or after the commencement of the act, regulation, or Bylaw in which the citation or reference occurs.

76 Nothing in this Bylaw relieves a Person from complying with any provision of any provincial or federal legislation or regulation, other Summer Village Bylaw, or any requirement of any lawful permit, order, or license.

77 Schedule "A" forms part of this Bylaw.

PART 18 SEVERABILITY

78 Should any provision of this Bylaw be invalid, then such provision shall be severed, and the remainder of the Bylaw shall remain in force.

PART 19 TRANSITION AND COMING INTO FORCE

79 This Bylaw takes effect on the final passing thereof and, on such final passing, Bylaw 115-13 and 123-13 are hereby repealed.

SCHEDULE "A"

Specified Penalties

A Person who is found guilty of an offence under this Bylaw where no penalty has been specifically provided is liable to a fine of not less than \$250.00 and not exceeding \$10,000.00.

Bylaw Section	Offence	First Offence	Second Offence	Third and Subsequent Offence
7	Light, permit to be lit, or cause a Fire without an Approval	\$250.00	\$500.00	\$500.00
8	Burn or cause to be burned any Prohibited Debris	\$250.00	\$500.00	\$500.00
9	Use coal, straw, or used oil as a heat source in a residence	\$250.00	\$500.00	\$500.00
10	Use coal, straw, or other materials for ground thawing or temporary heating	\$250.00	\$500.00	\$500.00
11	Use a Burn Barrel or incinerator	\$250.00	\$500.00	\$500.00
12	Allow a Fire to create dense smoke or Obnoxious Odor	\$250.00	\$500.00	\$500.00
13	Allow a Fire to become a Running Fire	\$1,000.00	\$2,000.00	\$3,000.00
14	Failure to take precautions to keep Fire under control	\$250.00	\$500.00	\$500.00
15	Deposit or discard burning matter where it may cause Fire	\$250.00	\$500.00	\$500.00
20	Provide false or misleading information on an application for an Approval	\$250.00	\$500.00	\$500.00
28, 29	Fail to comply with the terms of an Approval	\$250.00	\$500.00	\$500.00
29(a)	Fail to produce an Approval on request	\$250.00	\$500.00	\$500.00
29(b)	Fail to keep the Fire at the site of the Fire approved in an Approval	\$500.00	\$1,000.00	\$2,000.00

Bylaw Section	Offence	First Offence	Second Offence	Third and Subsequent Offence
33(a)	Discharge, fire, or set-off Fireworks when a Fire Advisory is in place	\$500.00	\$1,000.00	\$2,000.00
33(b)	Light, permit to be lit, or cause to be lit a Fire when a Fire Advisory is in Place	\$500.00	\$1,000.00	\$2,000.00
35(a)	Discharge, fire, or set-off Fireworks when a Fire Restriction is in place	\$500.00	\$1,000.00	\$2,000.00
35(b)	Light, permit to be lit, or cause a Fire when a Fire Restriction is in place	\$1,000.00	\$2,000.00	\$5,000.00
38(a)	Operate an Off-Highway Vehicle or All Terrain Vehicle when a Fire Ban is in place, except on gravel and paved roads only	\$1,000.00	\$2,000.00	\$5,000.00
38(b)	Discharge, fire, or set-off Fireworks when a Fire Ban is in place	\$500.00	\$1,000.00	\$2,000.00
38(c)	Light, permit to be lit, or cause a Fire when a Fire Ban is in place	\$1,000.00	\$2,000.00	\$5,000.00
39	Discharge, fire or set-off Fireworks on Summer Village property without an Approval where an Approval is required	\$250.00	\$500.00	\$500.00
41(a)	Failure to produce an Approval for Fireworks on Summer Village property	\$250.00	\$500.00	\$500.00
41(b)	Discharge, fire, or set off Fireworks at a location not approved in an Approval	\$250.00	\$500.00	\$500.00
42	Failure to report release of Dangerous Goods	\$250.00	\$500.00	\$500.00
43	Transport Dangerous Goods without proper identification and adherence to applicable	\$500.00	\$1,000.00	\$2,000.00

Bylaw Section	Offence	First Offence	Second Offence	Third and Subsequent Offence
	regulations			
44	Store, transport, use, or release Dangerous Goods in residential areas	\$500.00	\$1,000.00	\$2,000.00
46	Failure to report property damaged by Fire	\$250.00	\$500.00	\$500.00
47(a)	Failure to extinguish a Fire ignited without an Approval where an Approval was required	\$250.00	\$500.00	\$500.00
47(b)	Failure to call 911 when unable to extinguish a Fire	\$1,000.00	\$2,000.00	\$5,000.00
55	Interfere or obstruct an Enforcement Officer, Fire Chief, or Fire Department	\$1,000.00	\$2,000.00	\$5,000.00
56	Provide false or misleading information to an Enforcement Officer, the Fire Chief, or the Fire Department	\$1,000.00	\$2,000.00	\$5,000.00
57	Falsely represent themselves as a Member of the Fire Department	\$1,000.00	\$2,000.00	\$5,000.00
58	Damage or destroy Fire Department property	\$1,000.00	\$2,000.00	\$5,000.00

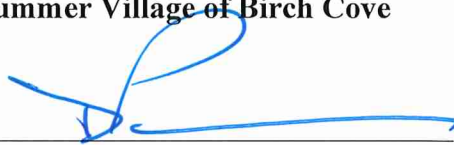
READ A FIRST TIME THIS 23RD DAY OF OCTOBER, 2025

READ A SECOND TIME THIS 23RD DAY OF OCTOBER, 2025

UNANIMOUS CONSENT to proceeding to third reading this 23RD DAY OF OCTOBER, 2025

READ A THIRD TIME THIS 23RD DAY OF OCTOBER, 2025

Summer Village of Birch Cove



Dean Preston
Mayor



Wendy Wildman
Chief Administrative Officer