



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

BY-LAW 684 - 2010

RECREATIONAL FIRE

Being a By-law of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta for the establishment of a set of regulations for the construction, inspection of outdoor fire containers and permitting of recreational fires pursuant to the provisions of the Municipal Government Act, Chapter M26, and Revised Status of Alberta 2000.

WHEREAS Council of the Corporation of the Town of Fox Creek has authority to pass a by-law respecting to the safety, health and welfare of the of people and the protection of people and property pursuant to Section 7(a) of the Municipal Government Act, Chapter M-26,

AND WHEREAS Council may pass by-laws respecting to people, activities and things in, on or near a public place or place that is open to the public pursuant to section 7(b) of the Municipal Government Act, Chapter M-26,

AND WHEREAS Council has authority to regulate or prohibit activities pursuant to section 8(a) of the Municipal Government Act, Chapter M-26,

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Fox Creek, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 – SHORT TITLE

This By-law may be cited as the "Recreational Fire By-law".

SECTION 2 – DEFINITIONS

- 2.1 "Contained Fire" means a Fire which is totally confined within a non-combustible structure or container which is ventilated in such a manner as to preclude the escape of combustible materials including ash.
- 2.2 "Fire" means any combustible material in a state of combustion, a situation where a fire or explosion is imminent or any other situation presenting a fire or a danger or possible danger to life or property from fire.
- 2.3 "Fire Chief" means the person appointed by Council as head of the Department.
- 2.4 "Fire Pit" means a ground-level construction enclosed on all sides made from brick, concrete, stone, clay, heavy gauge metal or other suitable non-combustible material and meets the design regulations in Schedule "B" of this by-law.

- 2.5 "Member" means any person that is a duly appointed Member of the Fire Department and includes the Fire Chief, Deputy Fire Chief, Captains and Lieutenants.
- 2.6 "Outdoor Fireplace" means a commercially-obtained free-standing fire container constructed of non-combustible material and comprising a firebox equipped with an integral chimney and raised above ground level on a base or a permanent structure constructed of stone or brick and comprising a firebox and chimney, with or without an attached barbeque grill area.
- 2.7 "Prohibited Debris" means any inflammable waste that, when burned, may result in the release to the atmosphere dense smoke, offensive odors or toxic substances as defined in any applicable statutes and bylaws.
- 2.8 "Peace Officer" means a member of the Royal Canadian Mounted Police or a Community Peace Officer authorized to enforce the bylaws of the Municipality.
- 2.9 "Property" means any real or personal Property, which, without limiting the generality of the foregoing includes land and structures.
- 2.10 "Recreational Fire" means a Fire which is set for the purpose of cooking, obtaining warmth or viewing for pleasure.
- 2.11 "Smudge Fire" means a confined fire that is set on land for the purpose of protecting livestock from insects or for protecting garden plants from frost.
- 2.12 "Violation Tag" means a tag or similar document issued by the Town of Fox Creek pursuant to the Municipal Government Act.
- 2.13 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. 2000 c P-34, as amended.

SECTION 3 – FIRE

- 3.1 No person shall ignite, cause, fuel, supervise or maintain a Fire within those areas of the Town of Fox Creek to which this By-law applies unless he is a Landowner pursuant to this By-law, unless;
- 3.1.1 The fire is a Smudge Fire; or
- 3.1.2 The Fire is caused by the Town's fire services for the purpose of training its members; or
- 3.1.3 The Fire is contained in a stove or fire pits provided and approved by the Town in a Town owned or operated campground or park; or
- 3.1.4 The Fire is caused by the Town of Fox Creek Public Works Department for the purpose of clearing lands or managing wood debris at the transfer station or landfill, providing it meets Alberta Environment Regulations;
- 3.6 This By-law applies to all areas of the Town of Fox Creek except those lands located within an industrial land use district created by the Town's Land Use Bylaw.

SECTION 4 – OFFENCES

- 4.1 A person is guilty of an offence where a person:
- 4.1.1 Fails to follow the provisions of this by-law and regulations for construction of Fire Pits or Outdoor Fireplaces;

4.1.2 Fails to maintain control of a Fire;

4.1.3 Fails to comply with any order or request directed pursuant to this By-law.

4.2 If a person has breached this By-law, the person shall be liable to pay all costs incurred by the Fire Department for any response to a Fire at the property to which the breach relates, and the Town shall be able to recover from such person all costs as a debt owing to the municipality.

4.3 No person shall have a Recreation Fire when there is a Fire Ban imposed by the Town of Fox Creek within the corporate limits of the Town.

4.4 Any person who fails to extinguish a Fire pursuant to this by-law or by order of an Officer shall be guilty of an offence.

SECTION 5 – LIMITS OF JURISDICTION

5.1 The limits of the jurisdiction of the Fire Chief, and Members of the fire department will extend to the area and boundaries of the Town of Fox Creek, and no part of the fire department shall be used beyond the limits of the Town without the expressed authorization of a written contract or agreement providing for the supply of fire and rescue services outside the Town boundaries.

5.2 A Peace Officer or Fire Chief (Member) shall be authorized to enter onto any land, whether public or private, without a warrant, for the purpose of inspecting the premises to ascertain where there are any Fires; and for the purpose of extinguishing any Fire that has not been extinguished by the owner or occupant after being requested to do so.

SECTION 6 – VIOLATION TAG AND PENALTIES

6.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this By-law. A Violation tag may be issued to such person:

6.1.1 Either personally; or

6.1.2 By mailing a copy to such person at his/her last known post office address.

6.2 The Violation Tag shall be in a form approved by the Town of Fox Creek and shall state:

6.2.1 The name of the person and the offence;

6.2.2 The appropriate specified penalty for the offence as specified in Schedule B;

6.2.3 The penalty shall be paid within thirty days of the Violation Tag issuance;

6.2.4 Any other information as may be required by the Town of Fox Creek.

6.3 Any offence for which a specified penalty is not provided for in Schedule "A" is subject to the following penalties:

6.3.1 A fine of \$100.00 for a first offence;

6.3.2 A fine of \$200.00 for a second offence within any one year period;

6.3.3 A fine of \$500.00 for a third, or subsequent offence within any one year period;

- 6.4 Where a Violation Tag is issued pursuant to this By-law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Fox Creek the penalty specified on the Violation Tag.
- 6.5 Nothing in this By-law shall prevent a Peace Officer from immediately issuing a Violation Ticket for a mandatory Court appearance of any person who contravenes any provisions of this By-law.

SECTION 7 – VIOLATION TICKET

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act* in respect to any contravention or failure to comply with this By-law or any Fire Permit or condition of a Fire Permit or any order or request directed to a person pursuant to this By-law.
- 7.2 If the penalty specified on a Violation Tag is not paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act*.

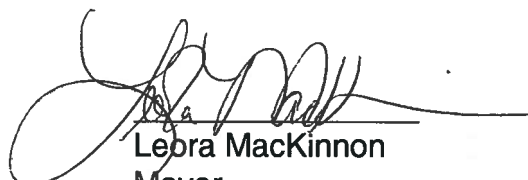
SECTION 8– EFFECTIVE DATE

This By-law shall come into effect the date upon third and final reading.

READ A FIRST TIME this 22nd day of March 2010

READ A SECOND TIME this 25th day of May 2010

READ A THIRD AND FINAL TIME this 25th day of May 2010


Lebra MacKinnon
Mayor


Dennis M. Egyedy
Chief Administrative Officer

SCHEDULE "A"**Specified Penalties for Violations**

<u>Section</u>	<u>Penalty Offence</u>	<u>Penalty Fee</u>
3.1.3	Failing to use campground stove or fire pit	\$100.00
4.1.1	Fails to follow provisions of the by-law and Construction regulations for fires	\$100.00
4.1.2	Fails to maintain control of a fire	\$200.00
4.1.3	Fails to comply with any order pursuant to This by-law	\$200.00
4.3	Ignites a fire during a Fire Ban	\$200.00
4.4	Fails to extinguish a fire as requested by an order	\$200.00

SCHEDULE "B"**REGULATIONS FOR CONSTRUCTION OF RECREATIONAL FIRE CONTAINERS****1. Specifications for Recreational Fire Pits and Containers****Clearance:**

A minimum of three (3) meters clearance, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible material such as decks, trees, fences, etc.

Pit Bases:

Except for portable outdoor fireplaces or free standing Fire pits, the pits bases shall have a 10 centimeter (4 inches) non-combustible base (i.e. bricks, concrete blocks, gravel or sand) with a perimeter not less than 30 cm (12 inch).

Pit Openings:

The fire pit opening does not exceed 1 meter in width or in diameter when measured between the widest points or outside edges. The fire pit height should not exceed 0.6 meters when measured from the surrounding grade to the top of the spark arrester screen.

Spark Arrester Screen:

All fire pits shall have a spark arrester mesh screen with openings no larger than 1.25 cm and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks. No additional spacing for extra fuel clearance will be allowed. It is recommended that all fire pits use a spark arrester mesh.

2. Chimineas**Positioning Your Chiminea:**

Be sure to find a level, immovable, non-combustible surface for which to set your Chiminea. It should be placed at least a minimum of 3m from combustibles such as a fence, deck, etc. Be sure there is nothing above your Chiminea, i.e. branches, awnings, umbrellas or anything else that could potentially catch on fire. Remember; do not put your Chiminea in a gazebo, wooden deck or enclosed porch.

Insulate:

It is important to insulate the bowl of the Chiminea so the fire is not directly against the clay. Add sand or pea gravel to the bowl to approximately 10cm below the lower lip of the mouth. The sand must be removed from the Chiminea prior to moving it.

Grate:

Ensure that the grate is in a position that allows air movement underneath it.