

BYLAW 1636

BEING A BYLAW TO REDUCE THE RISK OF FIRE DUE TO VARIOUS RECREATION AND OPEN BURNING PRACTICES

WHEREAS the Town of Stettler pursuant to Section 158 of the Municipal Government Act R.S.A. 1980 may pass bylaws for the preservation of life and property and the protection of persons from injury or destruction by fire.

NOW, THEREFORE, COUNCIL OF THE TOWN OF STETTLER, IN THE PROVINCE OF ALBERTA DULY ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE:

1. This Bylaw shall be known as the Fire Bylaw.

2. DEFINITIONS in this Bylaw:

(a) "Authority having jurisdiction shall mean:

- i) The Chief of the Fire Department of the Town of Stettler,
- ii) Any person(s) designated by the Fire Chief.

(b) "Building Waste" shall mean and include waste produced in the process of constructing, altering or repairing a building.

(c) "Town" means the municipal corporation of the Town of Stettler, in the Province of Alberta, and where the context requires means all lands situated within the corporation boundaries of the Town.

(d) "Refuse or Waste":

- i) All animals or vegetable matter including materials resulting from the handling, preparation, cooking, consumption and storage of food,
- ii) Broken dishes, tins, glass, rags, cast-off clothing, waste paper, excelsior, cardboard, sawdust, food containers, plastic, grass cuttings, shrubbery and tree prunings, weeds, garden waste, manure, tree household appliances, discarded auto parts or such waste matter as may accumulate as a result of building construction, renovation, or repair, or
- iii) Any waste referred to in the Hazardous Chemicals Act, Chapter H-3 R.S.A., 190, the regulations thereunder and all amendments thereto, or
- iv) Building Waste.

3. No person shall burn, allow or permit the burning of refuse or waste outside of a building within the Town Limits.

4. FIRE PITS, OUTDOOR FIREPLACES AND BARBECUES

Fire Pits, Outdoor Fireplaces and Barbecues for the purpose of cooking or obtaining warmth, provided the appliances for cooking or obtaining warmth are used on the property of the resident or in a public area at a location approved by the authority having jurisdiction, shall be permitted.

5. FIRE PITS, AND OUTDOOR FIREPLACES SHALL MEET THE FOLLOWING REQUIREMENTS

(a) A minimum of 3 metres (10 Feet) clearance shall be maintained from buildings, property lines, or any combustible material.

(b) Installations shall have enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other suitable non-combustible components.

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- (c) A spark arrester mesh screen or 1/2 inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.
- (d) Only clean fuel shall be used (clean, dry wood or charcoal). Refuse or waste material shall not be burned.
- (e) The use of such installations shall ensure that smoke or sparks do not create a nuisance or hazards to neighbors or other properties, and comply with the Clean Air Act, Chapter C-2 R.S.A. 1980.

6. OFFENCE AND PENALTY

The authority having jurisdiction, the Town Bylaw Enforcement Officer, and any member of the Royal Canadian Mounted Police are hereby authorized to enforce the provisions of this Bylaw and to issue offence tickets to any person whom they reasonably believed has contravened the provisions of this Bylaw.

- 7. (a) Any person who contravenes any of the provisions of this Bylaw is guilty of an offence and is liable to a penalty of \$200.00.
- (b) Any person who being guilty of a first breach of this Bylaw contravenes any of the provisions of this Bylaw a second time with the same breach, is guilty of an offence and is liable to a penalty of \$500.00.
- 8. Where any person described in Section 6 of this Bylaw has reason to believe that a person has contravened a provision of this Bylaw, he may issue such person an offence ticket.
- 9. (a) If payment in full of the penalty specified in this Bylaw is made at any time after the expiry of 15 days from the date of service of the offence ticket and up to but including the 7 days prior to the return date specified in the offence ticket the Town Office will accept such payment in lieu of prosecution.
- (b) If the person upon whom such offence ticket is serviced fails to pay the penalty specified in Section 4(i) or 4(ii) within the times hereinbefore limited, the provision of this section for acceptance of payment in lieu of prosecution shall not apply.
- (c) Where any person who has made payment pursuant to the provisions of this part is prosecuted or the offence in respect of which such payment has been made, such payment shall be refunded.
- (d) A person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine as prescribed in Section 4(i) or 4(ii), failing to pay such fine will result with imprisonment for a period not exceeding thirty (30) days or until such fine and costs of committal, are sooner paid.
- (e) Should a person not pay the penalty provided for contravention of any section of this Bylaw and a prosecution has been entered against him, he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket, plus Court costs and in default of payment of the penalty and costs imposed by the Court to imprisonment for a period not exceeding 60 days.

10. Nothing in this Bylaw shall:

- (a) Prevent any person from exercising his right to defend any charge laid for contravention of any sections of this Bylaw, or
- (b) Prevent any person from laying on information against any other person, whether such person had made payment under the provision of this Bylaw or not, for contravention of any of the Sections of this Bylaw.



READ a first time this 15th day of May, A.D. 1990

READ a second time this 15th day of May, A.D. 1990

READ a third time and finally passed this 5th day of June, A.D. 1990


MAYOR


SECRETARY-TREASURER