

**TOWN OF IRRICANA  
BYLAW # 15:2010**

**A BYLAW OF THE TOWN OF IRRICANA IN THE PROVINCE OF ALBERTA  
AUTHORIZING THE PREVENTION AND CONTROL OF FIRES**

**WHEREAS** Sections 7 and 8 of the Municipal Government Act R.S.A. 2000, chapter M-26 provide that Council may pass bylaws for the prevention or the extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fire and provides the Municipality authority to establish a system of licenses, permits or approvals within the Town of Irricana; and

**WHEREAS** the Council of the Town of Irricana pursuant to the powers granted to it under the Municipal Government Act (supra) wishes to provide for the prevention, regulation and control of the lighting of fires within the Town of Irricana;

**NOW THEREFORE** the Council of the Town of Irricana duly assembled hereby enacts as follows:

**SECTION 1 NAME OF BYLAW**

1.1 This Bylaw may be cited as "the Fire Permit Bylaw".

**SECTION 2 DEFINITIONS**

2.1 In this Bylaw

- a) "Burnable Debris" means criteria of types of material.
- b) "Council" means the Council of the Town of Irricana.
- c) "County" means Rocky View County.
- d) "Designate" means any person employed by the Rocky View County Fire Services Department or a Fire Guardian as appointed under the Forest and Prairie Protection Act.
- e) "Fire Ban" means a provincial minister order or an order by a member of the Rocky View County Fire Chief's office may at their discretion cancel any or all fire permits, prohibiting the lighting or requiring the extinguishment of a fire.

- f) "Fire Chief" means the person appointed as head of Rocky View County Fire Services Department.
- g) "Fire Chief's Office" means the Fire Chief, Deputy Fire Chief, Fire Prevention Officer and the Fire Training Officer.
- h) "Fire Control Officer" means any employee of the Rocky View County Fire Services or a Fire Guardian appointed by the Council of the Town of Irricana.
- i) "Fire Permit" means a permit issued by a Fire Guardian pursuant to the Forest and Prairie Protection Act or this Bylaw or both allowing for the setting of outdoor fires or structure fires within the Municipality.
- j) "Fire Pit" means a fire that is confined within a non-combustible structure constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components; with openings covered with a heavy gauge metal screen having a mesh size not larger than 7 millimetres and is used for the purpose of burning clean non-prohibited materials.
- k) "Municipal Fire Guardian" means a person named or appointed as Fire Guardian pursuant to the Sec. 4 Forest and Prairie Protection Act. by the Town of Irricana.
- l) "Municipality" mean the municipality of the Town of Irricana.
- m) "Neighbour(s)" means a person who is an owner, renter or person otherwise authorized by an owner of privately owned land adjacent to property to where it is alleged an offence has occurred.
- n) "Non-Prohibited Materials" means clean lumber, untreated paper products and dried forest products.
- o) "Outdoor Fire" means any fire other than that defined as Fire Pit or Structure Fire and shall include fires involving humus, soil, farm produce, bush, grass, feed, straw, coal or any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator.
- p) "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- q) "Prohibited Debris" means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic air contaminants as per Substance

Release Regulation 124/1993 of the Alberta Environmental Protection and Enhancement Act.

- r) "Restricted Burn Area" means an area within the Town of Irricana as designated by the Fire Chief's office and Council.
- s) "Running Fire" means a fire burning without being under the proper control of any person.
- t) "Bylaw Officer" means a person appointed by the Municipality to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police, an independent contractor who is under contract with the Municipality to provide Bylaw enforcement services and, when authorized, a special constable.
- u) "Specified Penalty" means a penalty specified in Schedule A which may be paid in response to a violation ticket, for an alleged offence of any section of this bylaw.
- v) "Structure Fire" means a fire confined to and within any building, structure, machine or vehicle, which will, or is likely to cause the destruction of or damage to such building, structure, machine or vehicle.
- w) "Violation Ticket" means a ticket issued for an offence committed against any of the provisions of this Bylaw and shall be a two-part ticket as prescribed in the Provincial Offences Procedure Act R.S.A. 2000, Chapter P-34.

### **SECTION 3 FIRE GUARDIANS**

- 3.1 A Fire Guardian means a person(s) named or appointed as Fire Guardian Pursuant to Section 4 of the Forest and Prairie Protection Act by the Town of Irricana.

### **SECTION 4 POWERS OF FIRE GUARDIANS**

- 4.1 Each Fire Guardian shall have the authority and power to:
- a) issue a Fire Permit in respect of any land within the Municipality;
  - b) issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Guardian considers appropriate;
  - c) may suspend or cancel at any time a Fire Permit and on receiving notice of the suspension or cancellation the person concerned shall

immediately extinguish any fire set pursuant to their permit;

- d) refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed fire.

## **SECTION 5 FIRE PERMITS**

- 5.1 In addition to any Fire Permit required under the Forest and Prairie Protection Act, Fire Permits shall be required under this Bylaw for the period from January 1 to December 31 each calendar year at a nil fee.
- 5.2 Notwithstanding clause 5.1 of this Section, any fire permit issued pursuant to the Forest and Prairie Protection Act shall be deemed for all purposes to be a fire permit issued pursuant to this Bylaw.
- 5.3 An application for a Fire Permit for an Outdoor Fire or a Structure Fire shall be made to a Fire Guardian in writing and the Fire Guardian shall receive and consider the application and after having done so they may, in their absolute discretion, issue or refuse issuance to the applicant.
- 5.4 When issuing a Fire Permit a Fire Guardian may issue the Fire Permit with conditions considered appropriate.
- 5.5 Fire Permits issued pursuant to this Bylaw are valid for such period of time as shall be determined and set by the Fire Guardian issuing the permit, but in any case shall not exceed five (5) days, the Fire Permit shall have endorsed thereon the period of time for which the said permit is valid.
- 5.6 Each application for a Fire Permit must contain the following information:
  - a) the name and address of the applicant;
  - b) the legal description of the land on which the applicant proposes to set a fire;
  - c) the type and description of material which the applicant proposes to burn;
  - d) the period of time the Fire Permit is valid;
  - e) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his control;
  - f) the signature of the applicant;
  - g) the signature of the Fire Guardian issuing the Fire Permit.

- 5.7 Where an emergency or a potential emergency exists, or when a fire ban has been declared, the Fire Chief or their designate shall be empowered to suspend all Structural Fires, Outdoor Fires, Fire Pits or any outdoor camping fire lit for cooking or warming purposes within all or a portion or portions of the Municipality for such a period of time and on such conditions as may be determined by the Fire Chief or their designate.
- 5.8 A fire permit shall not be transferable.

## **SECTION 6 EXEMPTIONS**

A Fire Permit is not required under this Bylaw for the following:

- 6.1 A barbecue or fire pit in a residential or recreational area provided that;
- a) a minimum of 4 metres clearance from buildings, property lines and combustible materials, or as approved by the Fire Chiefs office is maintained;
  - b) it is constructed of bricks or concrete blocks, or heavy gauge metal, or other suitable non-combustible components;
  - c) it has a spark arrestor mesh screen of 0.7 centimetres (.25 inches) expanded metal (or equivalent) to contain sparks over the fire at all times;
  - d) they be supervised at all times by a responsible adult person until such time that fire has been extinguished. A fire shall be deemed to include hot ashes and smouldering embers resulting from the fire;
  - e) only non-prohibited materials such as clean lumber, untreated paper products, dried forest products, charcoal briquettes, propane or natural gas fuels are used;
  - f) flame height does not exceed 90 cm (3.28 feet) above the barbecue or fire pit.
- 6.2 This Bylaw does not apply to any Industrial or Commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations.
- 6.3 This Bylaw does not apply to fires that are set for the purpose of training fire fighters.
- 6.4 No burning is allowed in areas designated as Municipal or Environmental Reserves or in designated Restricted Burn Areas.

## **SECTION 7 OFFENCES**

- 7.1 No person shall light an Outdoor Fire or a Structure Fire unless they are the holder of a subsisting Fire Permit if required under the Bylaw or the Forest and Prairie Protection Act or both.

- 7.2 No person shall allow an Outdoor Fire or a Structure Fire to be lit upon land that is owned or occupied by him or under his control except when such fire is permitted pursuant to the Bylaw.
- 7.3 When a fire is lit under the circumstances described in Section 7.2 the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
- a) extinguish the fire immediately, or
  - b) where they are unable to extinguish the fire immediately, report the fire to the Fire Department.
  - c) be liable to prosecution under summary conviction and/or costs incurred by the Municipality to respond, suppress and extinguish the fire.
- 7.4 No person shall, either directly or indirectly, personally or through an agent, servant or employee ignite a fire and let it become a Running Fire on any land not his own property or allow a Running Fire to pass from his own property to the property of another.
- 7.5 No person shall light an Outdoor Fire or a Structure Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
- 7.6 No person shall place prohibited debris within a fire without prior approval.
- 7.7 No person shall light an outdoor fire or structure fire, barbecue or fire pit fire during a municipal or provincial fire ban pursuant to the Forest Prairie Protection Act.
- 7.8 No person shall obstruct a bylaw officer, fire guardian or member of the Fire Chief's office in the performance of their duties pursuant to this bylaw or the Forest Prairie Protection Act. Obstruction will include failure to provide access to property and failure to provide information as to identity of individuals.
- 7.9 No person shall disclose false information when applying for a fire permit.
- 7.10 No person shall allow any fire to give off a dense smoke or offensive odour in a manner which creates a risk to public safety or creates a nuisance to neighbouring person(s) or property.

- 7.11 Any person whether in possession of a valid permit or otherwise lights a fire for the purposes described in this bylaw is responsible to ensure that the burn is conducted in a safe manner.

## **SECTION 8 PENALTIES**

- 8.1 Any person who fails to hold a subsisting Fire Permit when one is required under this Bylaw is guilty of an offence and is liable to a summary conviction fine as prescribed in Schedule A.
- 8.2 A person who fails to comply with any provision contained in the Bylaw, except for the failure to hold a subsisting Fire Permit which is otherwise provided for under Section 8.1 of the Bylaw, is guilty of an offence and is liable on summary conviction to imprisonment to a term of not more than six (6) months, or to a fine of not more than Twenty Five Hundred (\$2,500.00) Dollars, or to both a fine and imprisonment.
- 8.3 Where a person contravenes the same provision of this bylaw twice within one twenty four month period, the specified penalty payable in respect of the second contravention shall double in the amount as prescribed in Schedule A, in respect of that provision.
- 8.4 Where a person contravenes the same provision of this bylaw three or more times within one twenty four month period, the specified penalty payable in respect of the third or subsequent contravention shall be four times the amount as prescribed in Schedule A, in respect of that provision.
- 8.5 The Bylaw Officer is authorized to enforce this bylaw if there are reasonable and probable grounds to believe that a person has contravened any section of this bylaw; may under the authority of the Provincial Offences Procedure Act issue a two-part violation ticket to that person.
- 8.6 Where action has been taken whatsoever by Rocky View County or the Town of Irricana for the purpose of responding to a fire call, suppression activities and extinguishing a fire or for the purpose of preserving life of property from injury or destruction by fire, the Fire Chief or Deputy Fire Chief may in respect of any costs incurred in such action, charge any costs so incurred to the person who caused the fire, or to the owner or occupant of the land in respect of which the action was taken.
- 8.7 In respect of any costs or fees levied or charged under this bylaw:
- a) the County may recover such costs of fees as a department due and owing to the County pursuant to Section 552 of the Municipal Government Act R.S.A. 2000, Chapter M-26; and

**SECTION 9 SEVERABILITY**

9.1 Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

**SECTION 10** And upon third reading thereof, Bylaw 1:2005 is hereby rescinded.

**READ A FIRST TIME this 6<sup>th</sup> day of December, 2010.**

**READ A SECOND TIME this 6th day of December, 2010.**

**UNANIMOUS CONSENT FOR A THIRD AND FINAL READING GIVEN this 6<sup>th</sup> day of December, 2010.**

**READ A THIRD AND FINAL TIME this 6th day of December, 2010.**

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**MAYOR**

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**CHIEF ADMINISTRATIVE OFFICER**



**BYLAW # 15:2010**

**“Schedule A”**

**Fire Permits**  
**Voluntary Fines**

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|--|-------------------|
| <b>Light outdoor or structure fire with no permit</b>    | <b>\$ 250.00</b>  |
| <b>Owner/occupier of land burn without permit</b>        | <b>\$ 250.00</b>  |
| <b>Owner/occupier fails to extinguish or report fire</b> | <b>\$ 250.00</b>  |
| <b>Person creates “running fire” due to negligence</b>   | <b>\$ 500.00</b>  |
| <b>Fail to take precautions</b>                          | <b>\$ 250.00</b>  |
| <b>Burn prohibited debris</b>                            | <b>\$ 1000.00</b> |
| <b>Burn during a fire ban</b>                            | <b>\$ 1000.00</b> |
| <b>Obstruct a Bylaw Officer or Fire Control Officer</b>  | <b>\$ 1000.00</b> |
| <b>Fail to provide proper information on permit</b>      | <b>\$ 500.00</b>  |
| <b>Dense smoke risk public safety/nuisance</b>           | <b>\$ 250.00</b>  |
| <b>Permit holder fails to take precautions</b>           | <b>\$ 250.00</b>  |