

# VILLAGE OF BRETON

## BYLAW 99-17

A BYLAW OF THE VLLAGE OF BRETON IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PREVENTION AND EXTINGUISHING FIRES WITHIN THE VILLAGE OF BRETON.

**WHEREAS**, the Municipal Government Act, 1994 Chapter M-26.1, with amendments, provides that the Council of a Municipality may pass Bylaws for the prevention or extinguishing of fires, preservation of life and property and the protection of persons from injury or destruction by fire;

**AND WHEREAS** the Forest and Prairie Protection Act, Revised Statues of Alberta, 1980, Chapter F-14 as amended, provides certain additional powers which may be enacted by the Council of a Municipality so that it can enforce the provisions of the said Forest and Prairie Protection Act within the boundaries of the Municipality.

**NOW THEREFORE** the Council of the Village of Breton in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall be cited as the “Burning Bylaw”.

2. **Definitions:**

*Council* shall mean the Council of the Village of Breton;

*Burning Permit* shall mean the permit issued pursuant to this Bylaw by the Municipal Administrator of the Village of Breton;

*Bylaw Enforcement Officer* shall mean a person appointed as such by Council;

*Dangerous Goods* shall mean any product, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the Transportation of Dangerous Goods Control Act, R.S.A., 1980, c. T-6.5, as amended;

*Emergency Services* shall mean the Fire and Rescue Services as established and organized;

*Emergency Services Provider* Emergency Service for the Village of Breton shall be provided through contract with the Municipal District of Brazeau #77 to provide Fire and Rescue Services;

*Fire Chief* shall mean the Fire Chief of the Emergency Services Provider;

*Incident* shall mean a fire or a situation where an explosion is imminent or any other situation where there is a danger or a possible danger to life or property and to which the Fire Department has responded;

*Incinerator Fire* shall mean a fire that is confined in a non-combustible structure or Container, covered with a heavy gauge metal screen having a mesh size of no larger than 13 millimetres, for which fire is set for the purpose of burning household refuse including plastic products, leaves, grass or other organic material;

*Municipal Administrator* shall mean the Municipal Administrator for the Village of Breton or his designate;

*Open Fire* shall mean any fire which is not an Incinerator Fire, Pit Fire, Public Park Site Fire or Smudge Fire, and which, without limiting the generality of the foregoing shall include grass fires, forest and brush fires, running fires, structure fires, building fires, wood scrap fires, ground thawing fires and chattel fires;

*Pit Fire* shall mean a fire which is totally confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth and such fire may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane;

*Portable Appliance* shall mean any appliance sold or constructed for the purpose of cooking food in the out-of-doors;

*Public Park Site Fire* shall mean a fire on land owned or leased by the Village of Breton or its agents for recreational purposes and is confined to a non-combustible container supplied by the Village, or a Portable Appliance, which is set for the purpose of cooking food, obtaining warmth or viewing for pleasure, such fire may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane;

*Running Fire* shall mean a fire burning without being under proper or any control;

*Smudge Fire* shall mean a fire confined within a non-combustible structure or container that is set on land of one (1) acre or more in area, for the purpose of protecting livestock from insects or for protecting garden plants from frost;

*Violation Ticket* shall mean a ticket or similar document issued by the Village of Breton Bylaw Enforcement Officer;

*Property Owner* shall mean a person or persons that own, rent, or lease said property. eg: Motor Vehicle, building, land, etc.

*Village* shall mean the Village of Breton

**3. Burning Permits**

1. No person shall light an Open Fire within the Village of Breton without a Burning Permit.
2. A Burning Permit shall be purchased from the Village of Breton Municipal Office and shall be considered and decided on all applications within three (3) working days of the receipt thereof.
3. When issuing a Burning Permit, the Municipal Administrator for the Village of Breton may issue the permit unconditionally, or impose conditions considered appropriate for the situation.
4. Burning Permits issued pursuant to this Bylaw are valid for such a term as determined by the Municipal Administrator for the Village of Breton. The Burning Permit shall have endorsed thereon, the term for which it is valid.
  - a) The term may be extended at the discretion of the Municipal Administrator of the Village of Breton.
5. A Burning Permit shall not be issued to a person under eighteen (18) years of age.
6. A person who commits a breach of any of the provisions of this Bylaw shall, on summary conviction for such breach, be liable to a fine not exceeding One Hundred Dollars (\$100) exclusive of costs.

**4. Control of Fire Hazards**

1. If the Bylaw Enforcement Officer for the Village of Breton finds within its Municipal Boundaries on privately owned land or occupied public land, conditions that in his opinion constitutes a fire hazard, it may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and manner.
2. When the Bylaw Enforcement Officer finds that the order it made pursuant to section 4.1 has not been carried out, the Village or its agents may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard.

**5. Requirement to Report**

1. The owner or his authorized agent of any property damaged by fire within the Village of Breton shall immediately report to the Fire Chief the particulars of the fire which are satisfactory to the Fire Chief.
2. The Owner or his authorized agent of any property containing a dangerous goods product which sustains an accidental or unplanned release of the dangerous goods product shall immediately report the particulars of the release which are satisfactory to the Fire Chief.

**6. Fire Permit**

1. No person shall permit an Open Fire upon land owned or occupied by him under his control within the Village except when he is the holder of a subsisting Fire Permit issued pursuant to this Bylaw, unless
  - a) the fire has been set by Emergency Services for the purpose of training its members;  
or
  - b) the fire is a Public Park Site Fire; or
  - c) the fire is a Pit Fire which is totally confined within a non-combustible structure or container that has draft and smoke vents that are covered with a heavy gauge metal screen having a mesh size no larger than 13 millimetres, and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane.
2. Upon receipt of a proper executed Fire Permit Application Form the Municipal Administrator shall consider the Fire Permit Application, and may, in his sole and absolute discretion:
  - a) refuse to grant a Fire Permit;
  - b) grant a Fire Permit without terms and conditions;
  - c) grant a Fire Permit upon such terms and conditions as the Municipal Administrator and/or the Fire Chief deems appropriate.
4. A Fire Permit shall not be transferable.
5. The Municipal Administrator or Fire Chief may, in his sole and absolute discretion, terminate a Fire Permit Application Agreement and suspend or cancel a Fire Permit at any time.
6. Each application for a Fire Permit must contain the following information:
  - a) the name and address of the Applicant;
  - b) the legal description or municipal address of the land on which the Applicant purposes to set a fire;
  - c) the type and description of material which the Applicant proposes to burn;
  - d) the period of time which the Fire Permit is valid;
  - e) the precautions, if any, 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 Municipal Administrator or his designate issuing the Fire Permit.

**7. Recovery of Costs**

- 1. Where Emergency Services has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within the Village or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within the Village, including any such action taken by Emergency Services on a false alarm, the Municipal Administrator may, in respect of any costs so incurred by Emergency Services in taking such action, charge any costs so incurred by Emergency Services to the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
- 2. In respect of the costs or fees described in sections 7.1
  - a) the village may recover such costs or fees as a debt owing to the Village; or
  - b) in the case of action taken by Emergency Services in respect to land within the Village, where the cost or fee is not paid upon demand, such cost or fee may be charged against the land as taxes due and owing in respect of that land.

**8. Offences**

- 8.1 Any person who ignites, fuels, supervises, maintains or permits an Open Fire within the municipal boundaries of the Village of Breton without a Valid Fire Permit as required by this Bylaw is guilty of an offence, unless;
  - a) the fire is a Pit Fire which is totally confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a heavy gauge metal screen having a mesh size no larger than 13 millimetres and which is ventilated in such a manner as to preclude the escape of combustible materials including ash, and which fire is set for the purpose of cooking or obtaining warmth, and such fire may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane;
  - b) the fire is a Smudge Fire confined within a non-combustible structure or container that is set on land of one (1) acre or more in area, for the purpose of protecting livestock from insects or for protecting garden plants from frost;
  - c) the fire has been set by Emergency Services for the purpose of training its members;
  - d) the fire has otherwise been authorized by Emergency Services.
- 8.2 When fire lit under the circumstances described in Section 8.1 when such a fire is not permitted pursuant to this Bylaw 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 he is unable to extinguish the fire immediately, report the fire to Emergency Services.

8.3 No person shall, either directly or indirectly personally, or through an agent, servant, employee kindle 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.

8.4 No person shall:

- a) light an Open Fire, Pit Fire or Smudge Fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times;
- b) light an Open Fire, Pit Fire or Smudge Fire when the weather conditions are conducive to creating a Running Fire;
- c) fail to take responsible steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his own;
- d) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
- e) conduct any activity that involves the use of fire that might reasonably be expected to cause a fire, unless he exercises reasonable care to prevent the fire from occurring;
- f) provide false, incomplete or misleading information to the Municipality or Fire Chief on or with respect to the Fire Permit Application;
- g) interfere with the efforts of persons authorized in this Bylaw to extinguish fires or preserve life or property;
- h) interfere with the operation of any Emergency Services equipment or apparatus required to extinguish fires or preserve life or property;
- i) damage or destroy Emergency Services property;
- j) falsely represent himself as an Emergency Services Member or wear or display any Emergency Services badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.

8.5 No person shall use a fire to burn:

- a) manure;
- b) livestock or other animal carcasses;

- c) material which will result in the production of dense black smoke including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials or creosote wood;
- d) herbicides, pesticides or any other toxic material or substance.

**9. Penalties**

- 9.1 A person who contravenes or fails to comply with any condition in a permit or with any order or request directed to him pursuant to this Bylaw is guilty of an offence and liable:
- a) if the offence is a contravention of Section 8.4 (f) of this Bylaw to fine or not less than \$25 and not more than \$300;
  - b) if the offence is a contravention of any other section of this Bylaw, to a fine of not less than \$100 and not more than \$1000.
- 9.2 Officers are hereby authorized and empowered to issue a Violation Tag to any person who the Municipal Administrator has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 9.3 A Violation Tag may be issued to such person:
- a) either personally; or
  - b) by mailing a copy to such person at his last known post office address;
- 9.4 The Violation Tag shall be in a form approved by the Village of Breton and shall state:
- a) the name of the person;
  - b) the offence;
  - c) the appropriate penalty for the offence specified in this Bylaw;
  - d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - e) any other information as may be required by the Village of Breton.
- 9.5 Where the contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Municipal Administrator, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 9.6 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village Treasurer the penalty specified on the Violation Tag.
- 9.7 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

**10. Violation Ticket**

10.1 If the penalty specified on the Violation Ticket is not paid within the prescribed time period then a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Act, S.A. 1988, C.P. – 21.5.

**11. Severability**

11.1 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.

READ a first time this 12<sup>th</sup> day of September, 2000.

READ a second time this 16<sup>th</sup> day of July, 2002.

READ a third and final time this 13<sup>th</sup> day August, 2002.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Administrator



**SCHEDULE "A"**  
**FIRE PERMIT APPLICATION**

1. Name of Applicant: \_\_\_\_\_
2. Mailing Address: \_\_\_\_\_
3. Telephone: Residence: \_\_\_\_\_ Business: \_\_\_\_\_
4. Reason permit is required: \_\_\_\_\_  
\_\_\_\_\_
5. Legal description of property for which Fire Permit is required:  
\_\_\_\_\_
6. Location of Fire: \_\_\_\_\_
7. Description of material to be burned: \_\_\_\_\_  
\_\_\_\_\_
8. Period of time for which permit is required:  
\_\_\_\_\_ to \_\_\_\_\_
9. Plans/Specifications attached: Yes \_\_\_\_\_ No \_\_\_\_\_
10. Written permission of owner/occupier of property attached:  
Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Municipal Administrator

**SCHEDULE “B”  
FIRE PERMIT**

Information/Instructions

1. Authorized, written permission is required if burning is on another person’s property.
2. This Fire Permit is not valid unless endorsed by the Municipal Administrator and may be cancelled at any time.

Effective Date \_\_\_\_\_, \_\_\_\_\_.

Expires \_\_\_\_\_, \_\_\_\_\_.

The above Fire Permit is approved with the following conditions:

1. The Fire Chief will be notified by phoning 542-5211 before burning begins.
2. Wind is less than 10 km per hour.
3. Sufficient adults are in attendance to monitor and control burn.
4. TransAlta Utilities are to be notified prior to burn if they have lines in the area.
5. Provisions and equipment is available on site to prevent fire spread.
6. Before any work is performed, all necessary permits and notices must be applied for and received, including Alberta One Call.
7. Other conditions as they apply may be added to this Fire Permit under the discretion of the Municipal Administrator.

\_\_\_\_\_  
Municipal Administrator

\_\_\_\_\_  
Date issued

**Village of Breton  
Burning Refusal  
(To be completed by the Development Officer)**

Application Permit Number \_\_\_\_\_ was considered by the Development Officer and/or Fire Chief and was refused under the following conditions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

You are hereby NOT AUTHORIZED to proceed with the burning;

Date of Decision \_\_\_\_\_

Date of Issue of Burning Refusal \_\_\_\_\_

Signature of Development Officer \_\_\_\_\_