

BY-LAW NO. 708

of the

**VILLAGE OF FOREMOST
IN THE PROVINCE OF ALBERTA**

**A BY-LAW OF THE VILLAGE OF FOREMOST IN THE PROVINCE OF ALBERTA TO
CONTROL BURNING WITHIN THE VILLAGE OF FOREMOST**

WHEREAS pursuant of Section 7 of the Municipal Government Act, being Chapter M-26.1, Revised Statutes of Alberta 1994 and Amendments thereto, a Council may pass a bylaw for Municipal purposes respecting safety, health and welfare of people and the protection of people and property;

WHEREAS the Council for the Village of Foremost deems it proper to pass a bylaw to institute guidelines for the purpose to control burning within the Village of Foremost; and

NOW THEREFORE, the Council of the Village of Foremost in the province of Alberta, pursuant to authority conferred upon it by Municipal Government Act 1994 enacts as follows:

1. This Bylaw may be cited as The Burning Bylaw.
2. In this bylaw:
 - a) "Council" means the Council of the Village of Foremost;
 - b) "Fire Chief" means the member appointed by Council as head of the Fire Department;
 - c) "Non-Burnable Debris" means any combustible debris and/or waste material including but not restricted to:
 - i) Straw, stubble, and/or weeds
 - ii) Leaves and/or tree pruning
 - iii) Solid waste from tree harvesting and/or land clearing
 - iv) Wooden and/or waste material from the construction and/or demolition of buildings and/or construction sites
 - v) Petroleum based products; i.e., asphalt shingles
 - vi) New and/or used utility poles and/or railroad ties
 - vii) Animal cadavers and/or manure
 - viii) Pathological wastes
 - ix) Garbage or refuse from commercial, industrial, household and/or municipal operations
 - x) Combustible materials in vehicle bodies, tires, and/or oil for combustion engines
 - xi) Rubber, plastic, or anything containing and/or coated with rubber, plastics, or similar substances
 - xii) Any fire that requires an accelerator such as gasoline, diesel fuel or similar substances to start and/or maintain the fire

d) "Fire Pit" means a receptacle for the purpose of setting a recreational fire in a residential area of the Village of Foremost in accordance to Appendix B.

- e) "Open Fire" means a fire that is not confined within a noncombustible container or structure;
- f) "Outdoor Fire" means any fire not contained within a building or structure and shall include fires involving humus soil, piles of coal, farm produce, waste, bush, grass, feed, straw, or any fire that has escaped or spread from building, structure, machine or vehicle and any fire set for purpose of thawing the ground;
- g) "Peace Officer" means a member of the local RCMP or Bylaw Officer as appointed by council;
- h) "Recreational Fire" means a confined fire for the purpose of cooking, obtaining warmth or viewing pleasure. A recreational fire may only be fueled with seasoned wood (not to exceed 15 liters – 3.3 imperial gallons in volume), charcoal, propane or natural gas;
- i) "Structure Fire" means any fire contained 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;
- j) "Village" means the Village of Foremost and, means the area contained within the corporate boundaries of the said municipality;

3. Recreational Fires:

- a) Except as provided in Section 4(b), no permit is required to ignite, construct or otherwise create a recreational fire by or with the permission of the property owner;
- b) No person shall create a recreational fire in anything other than an approved fire pit constructed in accordance with the guidelines set out in Appendix B of this bylaw;
- c) No person shall ignite, construct or create a recreational fire in a park unless the recreational fire occurs at a location so designated within the park or in a device or structure constructed for that purpose in the park;

4. Control of Fire Hazards:

- a) If Council finds within its municipal boundaries on privately lands that, in its opinion, constitute 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 amount of time and a manner prescribed by Council;
- b) When Council finds that the order it made pursuant to Section 6(a) has not been carried out, it may enter the land with any equipment and any person it considers necessary and may perform the work required to eliminate the hazard;

5. Recovery of Costs:

- a) Where Council or the Fire Department, acting in accordance with its operating policies, has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within the Village of Foremost or for purpose of preserving life or property from injury or destruction by fire or other incident on land within the Village of Foremost, Council may, in respect of any costs incurred by the Village of Foremost if Council deems the cost of such actions to be extraordinary, charge all or a portion of said costs to the owner or occupant of the land in respect of which the action was taken;
- b) Notwithstanding the authority granted to Council in Section 5(a) above, Council shall not charge the costs of firefighting an accidental fire affecting the primary residence or commercial structure, including the ancillary structures of the aforementioned, on property in the Village of Foremost. The prohibition shall not preclude the charging of a portion of the costs where primary or ancillary structure is affected;



- c) Where Council or the Fire Department had taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within the Village of Foremost, where the property owner or occupant has set an outdoor fire, open fire, structure fire or any fire using non-burnable debris, Council may charge all or portion of costs of such actions;
- d) In respect to the cost or fee described in Section 5(a) and 5(c):
 - i) In the case of action taken by Council in respect of land within the Village of Foremost where the cost or fee is not paid upon demand by the Village of Foremost, then in default of payment, such cost or fee may be charged against the land taxes due and owing in respect of that land;
 - e) In the event that the owner or occupant of any land within the Village of Foremost shall feel aggrieved by any action by Council pursuant to Section 5(a-d) of the Bylaw, such owner shall have a period of 30 days from the date of mailing of notice of action taken by Council, to appeal to Council against the action taken by Council. The decision of Council on any such appeal shall be final and binding upon the owner or occupant of the land and not subject to any further appeal;

6. Offenses:

- a) No person shall light an outdoor fire, an open fire, a structure fire, or non-burnable debris
- b) When a fire is lit under the circumstances prohibited by Section 6(a), the owner or occupier of the land or the person having control of the land upon which such fire is lit shall:
 - i) Extinguish the fire immediately, or
 - ii) Where he is unable to extinguish the fire immediately, report the fire to the Fire Department;
- c) No person shall either, directly or indirectly, personally or through an agent, servant or employee, kindle a fire and let it become a running fire on any land from his own property to the property of another;
- d) No person shall light a permitted recreational fire without taking sufficient precaution to ensure that the fire can be kept under control at all times;
- e) No person shall light any fire, with the exception of a fire pit after dusk;
- f) No person shall ignite or maintain any fire in windy conditions;
- g) No person shall ignite and/or maintain any fire that is creating an environment or fire safety hazard with airborne embers or smoke to person's own property or neighboring properties;
- h) No person shall, either direct or indirectly, cause to be reported a false alarm;

7. Penalties:

- a) Any person who fails to comply with any provisions in this bylaw is guilty of an offense. Person(S) guilty of first offense will be issued a written warning; further they will be instructed to extinguish the fire by proper means.
- b) For a subsequent offence a person(s) guilty of violation of this bylaw a summons shall be issued and upon Summary Conviction will be liable for fine of \$150.00
- c) Any Peace Officer, the Fire Chief or a Designate may enforce the provisions of this bylaw and, where that Peace Officer, Fire Chief or Designate has reasonable grounds to believe that a person has committed a breach of any of the provision of this bylaw;

8. This bylaw shall come into force and take effect upon the date of third reading and signing.

FIRST reading this 20th day of December, A.D., 2021.
SECOND reading this 20th day of December, A.D., 2021.
AUTHORITY TO PROCEED with third reading this 20th day of December, A.D., 2021.
PASSED at the Third reading this 20th day of December, A.D., 2021.



MAYOR



CAO

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APPENDIX B

Recreational Fire Pits:

1. All recreational fires will be supervised by at least one person 18 years of age or older.
2. Fire pits to be constructed of noncombustible material; i.e. concrete block or heavy gauge metal.
3. All recreational fire pits must be built a minimum of 10 feet from any property line, structure with no overhang or outermost edge of a building projection.
4. Maximum fire volume of any recreational fire pit is to be 15 liters (3.3 imperial gallons).
5. Burn only clean dry wood (no garbage, garden refuse, grass clippings, treated or painted wood, plastics).
6. Consider your neighbors when smoke is drifting in the direction of open windows.
7. Keep smoke to minimum.
8. Fire pit will be extinguished before leaving unattended.