

BRAZEAU COUNTY

BYLAW 703-09

A BYLAW OF BRAZEAU COUNTY 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 ("*Municipal Government Act*") 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 the authority to establish a system of licenses, permits or approvals within Brazeau County; and

AND WHEREAS the *Forest and Prairie Protection Act* R.S.A. 2000 Chapter F-19 ("*Forest and Prairie Protection Act*") grants certain additional powers to Brazeau County and pursuant to Section 75(1) of the *Municipal Government Act* Council can pass bylaws for the prevention of prairie or running fires and for the enforcement of the provisions of the *Forest and Prairie Protection Act*; and

AND WHEREAS the Council of Brazeau County pursuant to the powers granted to it under the *Municipal Government Act* and the *Forest and Prairie Protection Act* wishes to provide for the prevention, regulation and control of the lighting of fires within Brazeau County;

NOW THEREFORE the Council of Brazeau County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby enacts as follows:

Section 1 – Name of Bylaw

1. This Bylaw may be cited as "the Fire Services Bylaw".

Section 2 – Definitions

1. In this Bylaw:
 - a. "Agriculture District" means property as delineated in the Brazeau County Land Use Bylaw.
 - b. "Approved Fire Pit" means a barbecue or fire pit that is:
 - i. A minimum of three (3) metres clearance from buildings, property lines and combustible materials;
 - ii. Constructed of bricks, cement blocks, heavy gauge metal or other suitable non-combustible material components; with no voids or gaps to allow for fire to escape (i.e. not individually arranged stones); and
 - iii. Has a spark arrestor mesh screen having mesh size not larger than thirteen (13) millimeters located over fire at all times and a diameter of the fire pit to be not more than .800m (32"); or
 - iv. A non-combustible container provided by Brazeau County within a designated public park where burning for cooking and warming is permitted
 - c. "CAO" means the person appointed as the Chief Administrative officer of Brazeau County;
 - d. "Coal" means the compressed remains of ancient plants utilized as a fossil fuel. For the purposes of this Bylaw "Coal" shall include – but not be limited to – the following types of coal fuels:
 - i. Lignite;
 - ii. Sub-bituminous
 - iii. Bituminous; and
 - iv. Anthracite;
 - e. "Coal Fired Indoor or Outdoor Appliance" means any device, piece of equipment, stove, furnace, boiler, or burner that uses coal, and any other source for its fuel (i.e. grain, walnut shell etc).

- f. "Consumer fireworks" are commonly referred to as low hazard fireworks generally used for recreation. Examples include, but are not limited to: showers, golden rain, lawn lights, pinwheels, roman candles, volcanoes and sparklers. These are classified as type F.1 explosives pursuant to the Explosives Act.
- g. "Council" means the Council of Brazeau County as constituted from time to time;
- h. "County" means Brazeau County;
- i. "CSA standard" means the Performance Testing of Solid Fuel-Burning Heating Appliances CAN/CSA-B415.1 standard published by the Canadian Standards Association as amended from time to time.
- j. "Designate" means any person employed by Brazeau County or a Fire Guardian as appointed under the *Forest and Prairie Protection Act*, who is authorized to carry out the duties or powers of another;
- k. "Display fireworks" are designated as high hazard fireworks under the Explosives Act and are generally used for public display by trained professionals. Examples include, but are not limited to: rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and firecrackers.
- l. "EPC standard" means a new source performance standards, title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA), published by the United States Environmental Protection Agency as amended from time to time.
- m. "Explosives Act" means the Explosives Act (Canada) and all regulations passed pursuant to that Act.
- n. "Fire Ban" means a provincial ministerial order, Brazeau County CAO, or an order by a member of Brazeau County's Fire Chief's Office may at their discretion cancel any or all fire permits, prohibiting the lighting or requiring the extinguishment of a fire;
- o. "Fire Chief" means the person appointed as head of Brazeau County's Fire Services or designate;
- p. "Fire Chief's Office" means the Fire Chief and other Fire Services members;
- q. "Fire Guardian" means a person named or appointed as Fire Guardian pursuant to the *Forest and Prairie Protection Act*.
- r. "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, structure fires, incinerator fires, or discharging fireworks within Brazeau County;
- s. "Fire Services Member" means an employee of Brazeau County who works in the Fire Services Department or a volunteer fire fighter who volunteers within Brazeau County.
- t. "Fireworks" means the fireworks defined as such pursuant to the Explosives Act.
- u. "Garbage" means any discarded material from household/commercial activities that may include, but is not limited to: wet organic waste, plastic, rubber, disposable diapers, glossy colored paper, particle board, and other materials that when burned give off offensive odors and visible smoke.
- v. "Incinerator Fire" means a fire that is confined within a non-combustible structure container or barrel with openings covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimeters, but does not include any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations;

- w. "Occupant" means any person other than the registered owner who is in possession of the property, including, but not restricted to, a lessee, licensee, tenant or agent of the owner.
- x. "Open burning" means the burning of any matter in such a manner that products of combustion resulting from the burning are emitted directly into the ambient (surrounding outside) air without passing through an adequate stack, duct or chimney.
- y. "Outdoor Fire" means any fire other than that defined as an incinerator fire, structure fire, or smudge fire, and shall include, but not be limited to:
 - i. fires involving humus, wood, soil, farm produce, bush, grass, feed, straw, coal;
 - ii. Any fire that has escaped or spread from a building, structure, machine, vehicle or incinerator;
 - iii. An incinerator fire without the required metal screen; or
 - iv. A smudge fire without the required metal screen.
- z. "Outdoor Wood Boiler" (also known as Outdoor Wood Fired Hydronic Heater, Wood Stove or Outdoor Wood Furnace) means a fuel burning device designed to burn wood and other approved solid fuels such as coal; that the manufacturer specifies for outdoor installation and heats fluid, typically water and antifreeze mixture for distribution typically through pipes to heat building space.
- aa. "Owner" means:
 - i. The person registered as owner on title at the Land Titles Office;
 - ii. A person who is recorded as the owner of the property on the assessment roll of the County
 - iii. A person who has purchased or otherwise acquired the property, and has not become the registered owner thereof;
 - iv. A person controlling the property under construction; or
 - v. A person who is the occupant of the property under a lease, license, or permit.
- bb. "Peace Officer" means a person appointed as a peace officer under the *Peace Officer Act*;
- cc. "Person" means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity;
- dd. "Portable appliance" means any appliance sold or constructed for the purpose of cooking food in the out of doors.
- ee. "Prohibited Debris" means any flammable debris or waste material that when burned, may result in the release to the atmosphere of dense smoke, offensive odors or toxic air contaminants, pursuant to Activities Designation Regulation (AR 276/2003);
- ff. "Property" means any lands, building, structures or premises, or any personal property located thereupon, within the municipal boundaries of the County.
- gg. "Restricted Burn Area" means an area within Brazeau County that has special burning restrictions as designated by the Council or the Fire Chief (or his designate)
- hh. "Running Fire" means a fire burning without being under the proper control of any Person;

- ii. "Smudge Fire" means a fire set for the purpose of protecting livestock from insects or for protecting garden plants from frost;
- jj. "Solid fuel" refers to various types of solid material that are used as fuel to produce energy and provide heating, usually released through combustion. Solid fuels include, but are not limited to: wood, charcoal, peat, coal, hexamine fuel tablets, and pellets made from wood, corn wheat, rye and other grains.
- kk. "Solid Fuel Appliances" means any fireplace or wood heater that burns wood, coal, or any other nongaseous or non-liquid fuels, or any similar device burning any solid fuel, used for aesthetic or space-heating purposes in a private residence or commercial establishment,
- ll. "Specified Penalty" means a penalty specified in Schedule "A" which may be paid in response to a Violation Ticket, for an alleged offence of a section of this Bylaw;
- mm. "Stone" means gravel, decorative rock, field/river stone, quarry rock or the like.
- nn. "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.
- oo. "Violation Ticket" means a ticket issued, pursuant to Part 2 of the Provincial Offences Procedure Act R.S.A. 2000, Chapter P-34 for a breach of any of the provisions of this Bylaw.

Section 3 – Fire Services

1. Council does hereby establish Fire Services for the purpose of:
 - a. preventing and extinguishing fires;
 - b. investigating the cause of fires;
 - c. preserving life and property and protecting persons and property from injury or destruction by fire;
 - d. preventing prairie or running fires and enforcing the provisions of the *Forest and Prairie Protection Act*;
 - e. preventing, combating and controlling incidents;
 - f. carrying out prevention patrols;
 - g. entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
 - h. purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property.
2. Fire Services is hereby authorized to control and mitigate incidents involving Dangerous Goods to the level of their training and equipment available.

Section 4 – Fire Chief

1. Council shall appoint the Fire Chief upon the recommendation of the Chief Administrative Officer.
2. The Fire Chief shall be responsible to the Council through the Chief Administrative Officer.
3. The Fire Chief has complete responsibility and authority over Fire Services, subject to the direction of Council, and shall, upon approval of Council, prescribe rules, regulations and policies for the ongoing organization and administration of Fire Services, including but not limited to:

- a. the use, care and protection of property used by Fire Services;
 - b. the appointment, recruitment, conduct, discipline, duties and responsibilities of the Fire Services Members;
 - c. the efficient operation of Fire Services;
4. Regulations, rules or policies made pursuant to Section 4.3 of this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
5. The Fire Chief shall:
 - a. upon approval of the Council, by way of the annual approved budget, be authorized to purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance and administration of Fire Services to be used in connection therewith;
 - b. keep or cause to be kept, in proper form, records of all business transactions of Fire Services, including the purchase or acquisition of equipment, apparatus, materials or supplies and records of fires attended, actions taken in extinguishing fires, inspections carried out and actions taken on account of inspections carried out and actions taken on account of inspections and any other records incidental to the operation of fire services.
 - c. upon approval of the Council, negotiate on behalf of the County, with the Provincial Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements and to make recommendations and raise concerns regarding the establishing or renewing of any mutual aid agreement or fire control agreement or amendments thereto;
 - d. perform such functions and have such powers and responsibilities as Council may from time to time prescribe.
6. The Fire Chief, or any other Fire Services Member in charge at a fire, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
7. The Fire Chief, or any other Fire Services Member in charge at an incident, is empowered to cause Fire Services to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the incident in whatever manner he deems necessary.
8. The Fire Chief shall be given access at reasonable hours, to both public and private places, for the purpose of inspecting the premises to ascertain whether the same constitutes or is likely to constitute a fire hazard.
9. The Fire Chief, or any other Fire Services Member in charge at an incident shall have the authority and power to:
 - a. require any able-bodied adult person, who is not exempt by the regulations of the Forest and Prairie Protection Act, assist in extinguishing fires and to assist in the prevention or spread thereof;
 - b. commandeer and authorize payment for the possession or use of any equipment for the purpose of fighting a fire;
 - c. enter a closed area under the Forest and Prairie Protection Act without a permit or written permission of a forest officer, subject only to the regulations of the Forest and Prairie Protection Act;
 - d. issue a Fire Permit in respect of any land within the County;
 - e. issue a Fire Permit unconditionally or impose conditions upon the applicant which the Fire Chief or any other member in charge at the incident, in his discretion, considers appropriate;

- f. suspend or cancel, at any time, a Fire Permit;
- g. without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging his duties under this Bylaw or the Forest and Prairie Protection Act;
- h. without a warrant enter any private dwelling house or other structure which is on fire and proceed to extinguish the fire or to prevent the spread thereof;
- i. direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
- j. prevent interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of any fire;

Section 5 – Fire Guardians

1. Each year before the first of March, Council shall appoint a sufficient number of Fire Guardians to enforce the provisions of the *Forest and Prairie Protection Act* within the boundaries of Brazeau County.

Section 6 – Powers of Fire Guardians

1. Unless otherwise limited by the Fire Chief, each Fire Guardian shall have the authority and power to:
 - a. issue a fire permit in respect of any property with Brazeau County;
 - b. issue a fire permit unconditionally or impose conditions upon the applicant which the Fire Guardian considers appropriate;
 - c. suspend or cancel at any time a fire permit
 - d. enforce the provisions of the Forest and Prairie Protection Act and this bylaw within the boundaries of Brazeau County
 - e. refuse issuance of permit on reasonable and probably grounds that a public interest risk exists for the proposed fire

Section 7 – Fire Permits

1. In addition to any fire permit required under the *Forest and Prairie Protection Act*, Fire Permits shall be required under this Bylaw during all months of the year.
2. Council from time to time by resolution may establish a fee for issuing a fire permit.
3. Notwithstanding clause 7.1 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.
4. An application for a fire permit for an outdoor fire, or a structure fire shall be made to a Fire Guardian verbally and/or in writing. The Fire Guardian shall receive and consider the application and may refuse issuance of a permit on reasonable and probable grounds that a public interest risk exists regarding the proposed fire. Subsequently the Guardian will provide a response to the permit requested within 48 hours (2-24hr days) of regular working hours.
5. When issuing a fire permit, a Fire Guardian may issue the fire permit unconditionally and/or may impose conditions. The permit will be received only during regular working hours specifically between 8:00 am – 5:00 pm.
6. 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 fourteen (14) days. The fire permit shall have endorsed thereon the period of time that the permit is valid.

7. Each application for a fire permit shall contain the following information:
 - a. The name and address of the applicant;
 - b. The legal description or municipal address of the property on which the fire will be set;
 - c. A description of the material 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 or her control;
 - f. The signature of the applicant;
 - g. The signature of the Fire Guardian issuing the fire permit.
8. Where an emergency or a potential emergency exists, the Fire Chief or his designate shall be empowered to suspend all structural fires, incinerator fires, outdoor fires, any outdoor camping fires lit for cooking or warming purpose, or the discharge of fireworks within all or portions of the County for such a period of time and on such conditions as may be determined by the Fire Chief or his designate.
9. Upon receiving notice of the suspension or cancellation of a fire permit, the person who obtained the fire permit shall immediately extinguish any fire set.
10. An application for a fire permit to discharge consumer fireworks shall be made to the Fire Chief's office in writing. The Fire Chief shall receive and consider the application and may refuse issuance of permit on reasonable and probable grounds that a public interest risk exists for the proposed discharge of consumer fireworks.
11. An application for a fire permit to discharge display fireworks shall only be made by a person qualified under the Explosives Act (Canada) to discharge such fireworks and that person shall apply for a permit in writing to the Fire Chief's office at least 14 days before the intended date of the fireworks display.
12. A fireworks permit application shall include all of the following information:
 - a. the name, address and signature of the person or persons sponsoring the fireworks display;
 - b. the name, certification number and signature of the fireworks supervisor;
 - c. the name of the person that is conducting the fireworks display;
 - d. the date and time of the proposed display;
 - e. a detailed description of the proposed display;
 - f. the exact location planned for the fireworks display including a diagram of the grounds on which it will be held, showing the point from where the fireworks will be discharged, the location of all highways, railroads, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained;
 - g. written consent from the owner of the property on which the fireworks display will occur;
 - h. the manner and place of storage of all fireworks prior to, during and after the display;
 - i. the name and address of the vendor or vendors that supplied or will supply all the fireworks used in the fireworks display;

- j. Where the fireworks come within the high hazard classification under the Explosives Act (Canada) the applicant is required to provide the following:
 - i. proof of General Liability Insurance with coverage of a least \$5,000,000 per occurrence in a form acceptable to the Fire Chief;
 - ii. and any other information requested by the Fire Chief's office
- 13. Fireworks shall not be sold, offered for sale, stored for the purpose of sale unless a fire permit for that purpose is first obtained from the Fire Chief or his designate.
- 14. A fire permit shall not be transferable.
- 15. Notwithstanding any provision within this bylaw the Fire Chief may issue a fire permit at his discretion and may designate any part of Brazeau County as a "Restricted Burning Area".

Section 8 – Exemptions

- 1. A fire permit is not required for the following:
 - a. An approved fire pit or barbeque that:
 - i. is supervised at all times by a responsible person until such time that it has been extinguished. A fire shall be deemed to include hot ashes and smoldering embers resulting from the fire;
 - ii. uses only wood, charcoal briquettes, propane or natural gas fuels;
 - iii. has a flame height that does not exceed ninety (90) cm above the barbecue/fire pit;
 - b. a portable appliance
 - c. a smudge fire in a non-combustible container covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimeters.
 - d. A fire within a non-combustible container provided by the County within a designated public park where burning for cooking and warming is permitted.
 - e. An incinerator fire in a non-combustible container covered with a heavy gauge metal screen having a mesh size not larger than thirteen (13) millimeters as approved by the Fire Chief.
 - f. Any industrial or commercial type incinerator that is required to be licensed under the Alberta Environmental Protection and Enhancement Act regulations.
 - g. Those fire that are set for the purpose of training fire fighters.

Section 9 – Offences

- 1. No person shall light an outdoor fire, a structure fire, or discharge fireworks without a fire permit unless otherwise exempted under this bylaw.
- 2. No person shall sell, offer for sale, store, give away, distribute, discharge or set off fireworks without a fire permit.
- 3. No person shall sell consumer fireworks within the County to any person under the age of 18 years.
- 4. No person shall discharge consumer fireworks within Brazeau County except as outlined in the Fire Permit.

5. When a fire is lit under the circumstances described in Section 9.1, the owner or occupant of the property or the person having control of the property upon which such fire is lit shall:
 - a. extinguish the fire immediately; or
 - b. if unable to extinguish the fire immediately, report the fire to the Fire Department; and
 - c. be liable to prosecution and/or liable for costs incurred by Brazeau County to respond, suppress and extinguish the fire..
6. 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 property or allow a running fire to pass from his or her property to another property.
7. No person shall light an outdoor fire, a structure fire, an incinerator fire, smudge fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times.
8. No person shall place prohibited debris into a fire.
9. No person shall light an outdoor fire, a structure fire, incinerator fire, smudge fire, barbecue/fire pit, or portable appliance not fuelled by propane or natural gas, during a Municipal or Provincial Fire Ban.
10. No person shall light an outdoor fire, a structure fire, incinerator fire, or a barbecue/fire pit fire during a Municipal or Provincial Fire Ban or let it become a running fire on any property, or allow a running fire to pass from his or her own property to another property.
11. No person shall obstruct a Peace Officer, Fire Guardian, member of the Fire Chief's office, or firefighter in the performance of their duties. Obstruction will include, but is not limited to, failure to provide access to property and failure to provide information as to identity of individuals.
12. No person shall install, operate or burn materials in an outdoor wood-fired boiler (OWB) or coal-fired indoor or outdoor appliances unless it meets the clean burning regulations and emission control standards of the CSA Standard CAN/CSA-B415.1-00 (R2005) 2001 edition or the current EPA standard, title 40, Part 60, Sub-part AAA.
13. Persons already in possession of and or operating an outdoor wood-fired boiler (OWB) or coal-fired indoor or outdoor appliances that does not meet the clean burning regulations and emission control standards of the CSA Standard CAN/CSA-B415.1-00 (R2005) 2001 edition or the current EPC standard, title 40, Part 60, Sub-part AAA at the time of bylaw passage shall have a grace period of no more than 1 year to replace or discontinue use of the appliance if and only if the OWB did not comply with previous Regulations & Emission Control Standards.
14. No person shall provide false information when applying for a fire permit.
15. No person shall allow any fire to give off a dense smoke or offensive odors.
16. No person shall burn garbage unless in the Agriculture District.
17. Any person who lights a fire or discharges fireworks pursuant to a fire permit or when exempt from requiring a fire permit is responsible to ensure that the fire or fireworks discharge is conducted in a safe manner.
18. No burning or fires of any sort are allowed in areas designated as Municipal or Environmental Reserve, or in designated restricted burn areas, without a permit.
19. No outdoor fires are allowed in restricted burn areas, which include all lands not designated as Agriculture District except in approved fire pits, incinerators, or as otherwise approved and permitted by the Fire Chief.

20. No person shall light a fire or burn materials in a solid fuel appliance unless the appliance meets the clean burning regulations and emission control standards of the CSA or EPA.
21. Failure to comply with permit as originally issued by the Fire Chief (or designate) is a breach of this bylaw.
22. Failure to comply with subsequent written instructions issued by the Fire Chief (or designate) and/or Community Peace officer is a breach of this bylaw.

Section 10 – Penalties

1. A person who fails to comply with any provision contained in this Bylaw is guilty of an offence and is liable on a conviction to a fine in the amount set out in Schedule "A" to this bylaw and in the event no penalty is specified, to a fine of not more than \$10,000, or to imprisonment to a term of not more than one year, or both.
2. The specified penalties for the breach of provisions of this bylaw are prescribed in Schedule "A".
3. A Peace Officer is authorized to enforce this Bylaw and may, under Part 2 of the Provincial Offences Procedures Act (Alberta), issue a violation ticket. Such ticket may provide for the voluntary payment of the Violation Ticket out of Court. The penalties set out in Schedule "A" shall apply to such tickets.
4. Where Fire Services has taken any action whatsoever for the purpose of extinguishing a fire, responding to a fire call or incident in the County, or for the purpose of preserving life or property from injury or destruction by fire or other incident on property within the County, including any action taken by Fire Services on a false alarm, the Fire Chief or CAO may, in respect of any costs incurred by Fire Services in taking such action, charge these costs to the owner of the property in respect of which the action was taken.
5. The costs for services rendered shall be determined by the Fire Chief or the CAO and a notice of those costs provided to the owner. In the event that the owner shall feel aggrieved by any action taken by the Fire Chief or CAO pursuant to Section 10.4, he or she shall have a period of thirty (30) days from the date of mailing of the notice from the County in which to appeal to Council the action. The decision of Council on any such appeal shall be final and binding upon the owner of the property.
6. In respect of any costs or fees levied or charged under this Bylaw:
 - a. Brazeau County may recover such costs or fees as an amount due and owing to Brazeau County pursuant to Section 552 of the Municipal Government Act R.S.A. 2000, Chapter M-26; and
 - b. In default of payment, where permitted by the *Municipal Government Act* R.S.A. 2000, Chapter M-26 Section 533(1)(c), add the amounts due to the tax roll of the property in question.

Section 11 – Severability

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.
2. Nothing in this Bylaw shall be deemed to authorize any fire, burning or other act which is in contravention of the Environmental Protection and Enhancement Act, R.S.A. 2000, c. E-12, as well as the Alberta Safety Codes Act and Forest Prairie Protection Act and amendments thereto, or any regulation made there under, and in the event of any conflict between the provisions of this Bylaw and the said Act or Regulations, the provisions of the said Act or Regulations shall govern.

Section 12 – Review

This Bylaw shall be reviewed within three years of the date it receives third and final reading of Council.

And upon third reading thereof, Fire Services Bylaw 556-06 is repealed.

READ a first time this 15 day of December, 2009.

READ a second time this 6th day of April, 2010.

READ a third time and finally passed this 6th day of April, 2010.


Reeve


County Manager

SCHEDULE "A"
Bylaw 703-09

Whereas, under the provisions of Section 44 of the *Provincial Offences Procedure Act*, and under the provisions of Section 7 of the *Municipal Government Act*, Council may by bylaw provide for the payment of violation tickets or summons out of court.

A notice of form (commonly called a violation ticket) may be issued by a Peace Officer to any person charged with a breach of any of the provisions of this bylaw and the hereto-mentioned Acts shall apply in regards to the payment.

An "x" after the amount of penalty indicates that a ticket may be issued under Part 2 of the provincial Offences Procedures Act (POPA) making a Court appearance mandatory.

		First Offence	Second Offence	Subsequent Offence
Section 9.1	Light an outdoor fire, a structure Fire, or discharge fireworks without a subsisting Fire Permit if required under this bylaw or the <i>Forest and Prairie Protection Act</i> or both.	\$500/x	\$1500/x	\$4000/x
Section 9.2	Sell, offer for sale, store, give away, distribute, discharge or set off fireworks without a Fire permit	\$500	\$2000	\$10,000
Section 9.3	Sell consumer fireworks within the County to any person under the age of 18 years	\$500	\$2000	\$10,000
Section 9.4	Discharge Consumer fireworks within Brazeau County contrary to Fire permit	\$250	\$750	\$2000
Section 9.6	Allow any fire to become a running fire on any property, or allowing a running fire to pass from his or her own property to the property of another	\$500	\$2000	\$10,000
Section 9.7	Light an outdoor fire, a structure fire, an incinerator fire, smudge fire without first taking sufficient precaution to ensure that the fire can be kept under control at all times	\$500	\$2000	\$10,000
Section 9.8	Place prohibited debris within a fire	\$1000	\$5000	\$10,000
Section 9.9	Light an outdoor fire, a structure fire, incinerator fire, barbecue/fire pit fire, or discharge fireworks during a municipal or provincial fire ban pursuant to the <i>Forest and Prairie Protection Act</i>	\$1000	\$5000	\$10,000
Section 9.10	Light an outdoor fire, a structure fire, incinerator fire, a barbecue/ fire pit fire, during a municipal or provincial fire ban pursuant to the <i>Forest protection Act</i> and let it become a running fire on any property not his or her own property, or allow a running fire to pass from his or her own property to the property of another	\$5000	\$7500	\$10,000

Section 9.11	Obstruct a Peace Officer, Fire guardian, member of the Fire Chief's office, or firefighters in the performance of their duties pursuant to this bylaw or the <i>Forest and Prairie Protection Act</i> .	\$2500	\$7500	\$10,000
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Section 9.12	Install, operate or burn materials in an outdoor wood-fired boiler or coal-fired indoor or outdoor appliances not meeting the clean burning regulations and emission control standards of the CSA or EPA.	\$1000	\$5000	\$10,000
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Section 9.14	Provide false information when applying for a Fire Permit	\$1000	\$5000	\$10,000
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Section 9.15	Allow any fire to give off a dense smoke or offensive odor	\$1000	\$5000	\$10,000
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Section 9.16	Burn garbage in an area not designated Agriculture District.	\$250	\$750	\$10,000
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Section 9.17	Fail to burn or discharge fireworks in a safe manner	\$500	\$2000	\$10,000
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Section 9.18	Burn or have a fire in an area Designated Municipal Reserve, Environmental Reserve or restricted burn area without a permit	\$500	\$2000	\$10,000
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Section 9.19	Have an outdoor fire in a restricted burn area without a permit	\$1000	\$5000	\$10,000
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Section 9.20	Light a fire or burn materials in solid fuel appliance that does not meet clean burning regulations and emission control standards of the CSA or EPA	\$500	\$7500	\$10,000
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Section 9.21	Failure to comply with permit	\$500/x	\$1500/x	\$4000/x
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Section 9.22	Failure to comply with written Instructions from the Fire chief (or his designate) or Community peace officer, Pursuant to this bylaw or the <i>Forest and Prairie Protection Act</i> .	\$1000/x	\$3000/x	\$8000/x
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