

**TOWN OF NOBLEFORD  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 674**

BEING a bylaw of the Town of Nobleford in the Province of Alberta to regulate burning in the Town of Nobleford.

WHEREAS the *Municipal Government Act* enables a Council to pass bylaws for the extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire;

AND WHEREAS the *Municipal Government Act* enables a Council to pass bylaws which regulate, provide for a system of permits, charging fees for permits and set terms and conditions on permits granted;

AND WHEREAS it is desirable to create regulations providing for control and safety around burning for recreational purposes on private land;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Nobleford in the Province of Alberta duly assembled does hereby enact the following:

**1. TITLE AND DEFINITIONS**

1.1 This bylaw shall be known as the "Burning Bylaw".

1.2 The following definitions shall apply when used within this bylaw:

- a. "Combustible Debris" means debris from demolition, dry vegetation, ground cover from lands, or forestry;
- b. "Designated Officer" means a bylaw enforcement officer, peace officer, police constable or any Fire Department official appointed by the Town to enforce this bylaw.
- c. "Fire Chief" means the member appointed as head of the Fire Department or their designate.
- d. "Fire Department" means the Town of Nobleford Fire & Emergency Services Department.
- e. "Fire Pit" means a permanently affixed or Portable Fire Receptacle made of non combustible material.
- f. "Fire Place" means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry.
- g. "Fire Safety Codes Officer" means an individual designated as a Fire Safety Codes Officer pursuant to the *Safety Codes Act*.
- h. "Municipal Tag" means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the Town of Nobleford.
- i. "Owner" means the person registered on the title at the Land Titles Office.
- j. "Person" means both the Owner and the occupant of a premises.
- k. "Portable Fire Receptacle" means an outdoor fire receptacle which is not permanently affixed.

**2. RESTRICTIONS APPLYING TO RESIDENTIAL FIRES ALLOWED PURSUANT TO THIS BYLAW**

2.1 No person shall burn, at any time, in a Fire Pit or Fire Place any material other than clean dry wood. Without limiting the generality of the foregoing no person shall burn in a Fire Pit or Fire Place the following specific items:

- a) treated or painted lumber;
- b) lumber products containing glue or resin;
- c) wet or unseasoned wood;
- d) leaves, brush or yard waste;
- e) garbage;
- f) rubber, tires or plastic; or
- g) any animal carcass or part thereof.

**3. FIRE PIT AND FIRE PLACE REGULATIONS**

3.1 A person may build, ignite or allow a fire on a premises in a Fire Pit or Fire Place as defined in this Bylaw provided the Fire Pit or Fire Place:

- a) is constructed of non-combustible material;

- b) has an open flame area that does not exceed 1 meter at its widest point;
- c) does not have walls which exceed 0.75 meters in height measured from grade to the top of the wall of the Fire Pit or Fire Place excluding chimneys;
- d) is set upon or built into the bare ground or a non-combustible material such as brick or stone;
- e) is situated at least 1.5 meters away from any house, garage, or similar structure including wooden decks, porches and other similar amenity space attached to a structure measured from the part of the Fire Pit or Fire Place which is closest to the structure or amenity space;
- f) is situated at least 1.5 meters from any other combustible material measured from the part of the Fire Pit which is closest to the combustible material; and
- g) is not located directly under any tree or overhanging branches.

3.2 A person may build, ignite or allow a fire in a Portable Fire Receptacle on a wooden deck providing:

- a) a non-combustible material such as brick or stone is placed between the Portable Fire Receptacle and the wooden deck and extends 450mm beyond the receptacle measured plumb with the outside edges; and
- b) the Portable Fire Receptacle is situated at least 1.5 meters from any house, garage, or similar structure or other combustible material, measured from the part of the receptacle which is closest to the structure or combustible material.

3.3 Every person who builds, ignites or allows a fire in a Fire Pit or Fire Place shall:

- a) ensure that the fire is not left unsupervised at any time and that:
- b) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
- c) the flames from the fire do not exceed 1 meter in height at any time;
- d) no person shall kindle a fire when the wind is blowing or gusting at or above 30km/h; and
- e) the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire

3.4 No person shall kindle a fire in a Fire Pit or Fire Place between the hours of 1:30 A.M. and 8:00 A.M.

#### 4. **FIRE BANS**

4.1 Notwithstanding any provision in this or any other bylaw, the Fire Chief may declare a complete ban of any burning of any kind in the Town of Nobleford.

4.2 Notwithstanding any provision in this or any other bylaw, the Fire Chief may declare a partial fire ban for specified areas of the Town of Nobleford.

4.3 When determining whether to declare a complete or partial ban on burning, the Fire Chief will take into consideration any or all of the following factors:

- a) the air quality index;
- b) levels of recent precipitation;
- c) water shortages or restrictions;
- d) the overall fire danger at the location the fire is being kindled; and
- e) when Fire Department resources are deployed in a manner which would make additional resources problematic

4.4 No person shall build, ignite or allow a fire to be kindled in the Town of Nobleford in contravention of a complete or partial ban declared pursuant to sections 6.1 and 6.2.

4.5 A member of the Fire Department or Designated Officer may direct a person to extinguish any fire which is in contravention of a complete or partial fire ban.

4.6 A person who fails to comply with the direction of a member of the Fire Department or Designated Officer

#### 5. **PROHIBITIONS AND EXCEPTIONS**

5.1 Except for a fire which is allowed by this bylaw, or another bylaw of the Town of Nobleford, no person shall burn, or allow to be burned, a fire on a premises that does not comply with the requirements of this bylaw.

5.2 No person shall build, ignite or allow open burning of any fire for Commercial Purposes unless that person possesses a valid and subsisting Open Burning Permit issued by the Fire Department.

5.3 No person shall build, ignite or allow open burning of any fire for Commercial Purposes in a manner contrary to the terms and conditions set out in the Open Burning Permit relating to that fire.

5.4 No person shall ignite or allow open burning of any fire when wind is blowing or gusting at or above 30km/h.

5.5 If, in the opinion of a Fire Safety Codes Officer, Designated Officer or Fire Department member a fire poses a danger or does not comply with the requirements of this bylaw such Fire Safety Codes Officer, Designated Officer or Fire Department member may extinguish the fire and take any other steps deemed necessary to ensure that the fire and site of the fire no longer pose a danger.

#### 6. **PENALTY PROVISIONS**

6.1 Where any Bylaw Enforcement Officer or Peace Officer or Designated Officer believes that any person has committed a breach of any provision of this bylaw he may serve upon such persons or the Owner

of the property on which the fire was kindled a Municipal Tag or he may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with the "Provincial Offences Procedure Act" Alberta.

6.2 A Municipal Tag or Violation Ticket shall be deemed to have been sufficiently served;

- a) if served personally to the accused; or
- b) if served by registered mail; or
- c) if left at the accused usual place of abode with an occupant thereof that appears to be at least 18 years of age; or
- d) where the accused is an association, partnership or corporation served by registered mail or if left with a person who appears to be in partnership or corporation.

6.3 Upon production of any such Municipal Tag or Violation Ticket within twenty-one (21) days from the date of services of such notice, together with the payment of the sum specified in Schedule "A", to a person authorized by the Town of Nobleford or Province of Alberta to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution. If the person upon whom any such Municipal Tag or Violation Ticket is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.

6.4 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.

6.5 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of no more than TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

6.6 The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

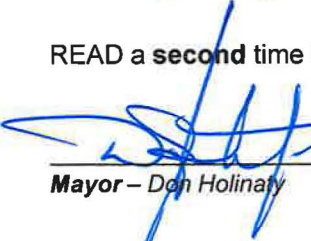
7. **GENERAL**

7.1 This bylaw shall come into force and effect upon third reading by Council.

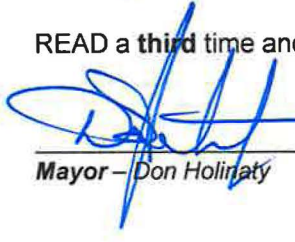

READ a **first** time this 21<sup>st</sup> day of September, 2021.

 _____ <b>Mayor – Don Holinaty</b>	 _____ <b>Administrator – Joseph (Joe) Hutter</b>
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READ a **second** time this 5<sup>th</sup> day of October, 2021.

 _____ <b>Mayor – Don Holinaty</b>	 _____ <b>Administrator – Joseph (Joe) Hutter</b>
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READ a **third** time and finally PASSED this 5<sup>th</sup> day of October, 2021.

 _____ <b>Mayor – Don Holinaty</b>	 _____ <b>Administrator – Joseph (Joe) Hutter</b>
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**SCHEDULE A**

Specified penalties

<b><u>Section</u></b>	<b><u>Offence</u></b>	<b><u>Penalty</u></b>
2.1	Burning prohibited material	\$150.00
3.4	Burning during Prohibited Hours	\$150.00
4.4	Burning during Fire Ban	\$200.00
5.4	Burning when Winds Exceed 30 KMH	\$150.00