

Bylaw # 838

BEING a By-Law of the Town of Carstairs in the Province of Alberta, to amend Bylaw No. 838. The purpose of this Bylaw is reduce the risk of fire due to various recreational and open burning practices.

NOW THEREFORE, the Council of the Town of Carstairs, duly assembled, enacts as follows:

1. Title
 1. This bylaw shall be known as the **"Fire Pit Bylaw."**
2. **Definitions**
 1. In this bylaw, unless the content otherwise requires, the following words, terms or expressions shall have the following meaning:
 - a) **'Authority having jurisdiction or Authority'** means:
 - i) The Fire Chief of the Carstairs and District Fire & Emergency Services, the Bylaw Officer, Community Peace Officer, or Policing Authority;
 - ii) Such other members of the Carstairs and District Fire & Emergency Services as the Fire Chief may appoint to enforce this bylaw.
 - b) **'Building waste'** means any scrap wood or other waste building materials produced in the process of constructing, altering or repairing a building;
 - c) **'Garden waste'** means shrubbery and tree prunings, weeds, grass trimmings, roots, tree stumps, turf and similar vegetation;
 - d) **'Hazard'** means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance;
 - e) **'Nuisance'** means the causing of opaque or dense smoke by or from any fire permitted or allowed under this bylaw and permitting such smoke to be emitted into the atmosphere for a period in excess of six minutes in any one hour;
 - f) **'Waste'** includes:
 - i) any rubbish, refuse, garbage, paper, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure, human or animal excrement, sewage or the whole part of an animal carcass; or
 - ii) the whole or a part of any article, raw or processed material, vehicle or other machinery that is disposed of;
 - iii) animal or vegetable matter, including materials resulting from the handling, preparation, cooking, consumption and storage of food;
 - iv) building waste;
 - v) garden waste;
 - vi) any thing that is designated as waste in the regulations under the *Environmental Protection & Enhancement Act* (1992) S.A., Chapter E13.3.

3. Except when permitted under section 5 (1), no person shall:
 - a) burn, or suffer, allow or permit the burning of waste on any lands owned or occupied by such person; or
 - b) burn any waste on any other land in the town.
4. A person who starts a fire, or who is in charge of a fire shall, upon demand, pay to the Town any and all costs incurred by the Town to extinguish such fire when, in the opinion of the Authority, the fire is a hazard to persons or to other properties.
5. **Fire pits, Outdoor Fireplaces and Barbeques**
 1. Any person may burn clean, dry, untreated wood or charcoal in a fire pit, outdoor fireplace and barbeque complying with section 6 for the purpose of cooking or obtaining warmth;
 - a) on property owned or occupied by such person; or
 - b) at a location approved by the Authority upon lands to which members of the public have access.
 2. Any person who burns any material in a fire pit, outdoor fire place, or barbeques shall:
 - a) remain in charge of or keep a competent person in charge of the fire;
 - b) ensure that the fire does not:
 - i) create a risk of fire or damage to persons or property;
 - ii) create a nuisance, which is offensive to any other person;
 - c) ensure that the fire is extinguished before supervision of the fire ends.
 3. Fire pits and barbeque pits must meet the following requirements:
 - a) A minimum of three (3) meters (10 feet) clearance shall be maintained from buildings, property lines or any combustible material;
 - b) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal or other suitable non-combustible components;
 - c) A spark arrester mesh screen of ½ inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.
 - d) The fire pit or barbeque pit height does not exceed .6 metres when measured from the surrounding grade to the top of the pit opening;
 - e) The fire pit or barbeque pit opening does not exceed one (1) metre in width or in diameter when measured between the widest points or interior edges.
 4. Outdoor fireplaces must meet the following requirements:
 - a) A minimum of one (1) metre clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
 - b) The fireplace is constructed of materials, such as bricks or rocks, that are heat and flame resistant;
 - c) The fireplace is equipped with a chimney that is not less than 2.5 metres in height when measured from the base of the fire burning area;



- d) The fireplace chimney is equipped with a regulation screen designed to contain and reduce the hazards of airborne sparks;
- e) The base of the fire burning area is not less than .3 metres above the surrounding grade; and
- f) The fire chamber does not exceed 1.25 metres in width and is at least .4 metres but not more than .6 metres in depth.

6. Offence and Penalty


1. The Authority, any bylaw enforcement officer or peace officer having reasonable grounds to believe that person has breached any requirement of this bylaw, may serve upon such person an offence ticket or at the attending Authority's discretion a Provincial summons offence notice.
2. Any person who contravenes any provisions of this bylaw is guilty of an offence and is liable to a specified penalty of \$200.00.
3. Any person who, being guilty of a first breach of this bylaw breaches this bylaw a second time with the same breach, is guilty of an offence and is liable to a specified penalty of \$500.00.

This Bylaw shall come into effect on the date of the final passing thereof.

**READ A FIRST TIME THIS 8TH DAY OF JANUARY
A.D., 2007.**

**READ A SECOND TIME THIS 8TH DAY OF JANUARY
A.D., 2007.**

**READ A THIRD AND FINAL TIME THIS 8TH DAY OF JANUARY
A.D., 2007.**



Lance Colby, Mayor



Carl McDonnell, CAO